LIFE AFTER LOTT
FRED BARNES • STEPHEN F. HAYES
THE EDITORS

the weekly Standard

DECEMBER 30, 2002 / JANUARY 6, 2003 $3.95

John Wilkes Booth Slept Here

On the night of April 15, 1865, Abraham Lincoln's assassin came to this house in Charles County, Maryland. A country doctor set Booth's broken leg and gave him shelter. Dr. Samuel A. Mudd would spend four years in prison for what he did that night. His family would spend the next 137 years trying to clear his name.

by Andrew Ferguson

#BXNFMVD ****** 5-DIGIT 94301
#UNZ0555B096 1#302604 WK 004288
RON UNZ NOV 29 04 000028
371 BALN 000319
555 BRYANT ST 001
PALO ALTO CA 94301-1704

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SETTING THE STANDARD FOR GREAT PRODUCTS

The Weekly Standard Online Store

www.weeklystandard.com

Quality is something the Weekly Standard takes seriously. Our full line of Weekly Standard products reflects that commitment. Visit our website at www.weeklystandard.com to view our catalog. You may order online, by phone or by fax.

the weekly
Standard

www.weeklystandard.com

PHONE 1-800-388-8755 OR FAX 502-499-9187

LICENSED FOR ONE USE ONLY
ELECTRONIC REPRODUCTION PROHIBITED

THIS IS A COMBINED ISSUE. THE NEXT ISSUE OF THE WEEKLY STANDARD WILL APPEAR IN TWO WEEKS.

Contents

December 30, 2002 / January 6, 2003 • Volume 8, Number 16

2 Scrapbook . . . *The war room redux, Sean Penn, and more.*

4 Casual. . . . . *Terry Eastland, one angry customer.*

6 Editorial . . . . . *Race and the Republicans*

40 Parody . . . . . *Trent Lott goes third party.*

Articles

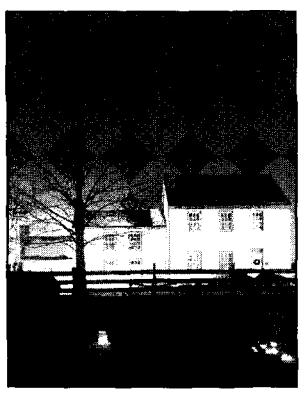
8 Life After Lott *The GOP has a merry Christmas.* . . . . . BY FRED BARNES

9 The Democrats' Race to the Bottom *There they go again.* . . . . . BY STEPHEN F. HAYES

12 Democracy for Muslims—Sort Of *American policies don't match the president's rhetoric.* . . BY REUEL MARC GERECHT

14 Ole Miss in the Trent Lott Era *What did you do in the race war, Daddy?* . . . . . BY RICHARD W. CARLSON

16 The Book of James *William James's lectures on religion, a century later* . . . . . BY JOSEPH LOCONTE



Cover photo: Lev Nisnevitch

Features

17 The Last Battle of the Civil War

On the night of April 15, 1865, Abraham Lincoln's assassin rode to a house in Charles County, Maryland. There, a country doctor set Booth's broken leg and gave him shelter. Dr. Samuel A. Mudd would spend four years in prison for what he did that night. His family would spend the next 137 years trying to clear his name. . . . . . BY ANDREW FERGUSON

Books & Arts

31 For the Madding Crowd *The rise of the bestselling novel.* . . . . . BY BRIAN MURRAY

35 A Cabinet at War *How Roosevelt managed World War II.* . . . . . BY ALVIN S. FELZENBERG

37 Broadway Ballet *In* Movin' Out, *Twyla Tharp creates a dance to the music of time.* . . . . . BY JUDITH GELERNTER

39 THE STANDARD READER . . . . . *In brief: John T. Noonan on the High Court and Michael Kochin on gender in Plato.*

William Kristol, *Editor* **Fred Barnes,** *Executive Editor*
David Tell, *Opinion Editor* **David Brooks, Christopher Caldwell,** *Senior Editors* **Richard Starr, Claudia Winkler,** *Managing Editors*
J. Bottum, *Books & Arts Editor* **Matt Labash,** *Senior Writer* **Stephen F. Hayes,** *Staff Writer*
Victorino Matus, David Skinner, *Assistant Managing Editors* **Lee Bockhorn,** *Associate Editor* **Jonathan V. Last,** *Online Editor*
Beth Henary, Katherine Mangu-Ward, *Editorial Assistants*
Lev Nisnevitch, *Art Director*

Max Boot, Tucker Carlson, John J. DiIulio Jr., Noemie Emery, Joseph Epstein, Andrew Ferguson, David Frum, David Gelernter, Reuel Marc Gerecht Brit Hume, Robert Kagan, Charles Krauthammer, Tod Lindberg, P. J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*

Terry Eastland, *Publisher* **David H. Bass,** *Deputy Publisher*
Nicholas H.B. Swezey, *Advertising & Marketing Manager* **John L. Mackall,** *Advertising Sales Manager* **Lauren Trotta Husted,** *Circulation Director*
Carolyn Wimmer, *Executive Assistant* **Tina Winston,** *Finance Director* **Catherine Titus,** *Publicity Director*
Taybor Cook, Rachel DiCarlo, *Staff Assistants*

the weekly Standard

THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly (except the first week in January, the second week in July, the third week in August, and the first week in September) by News America Incorporated, 1211 Avenue of the Americas, New York, NY 10036. Periodicals postage paid at New York, NY, and additional mailing offices. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153; changes of address to THE WEEKLY STANDARD, P.O. Box 96127, Washington, DC 20077-7767. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Yearly subscriptions, $78.00. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7653 for subscription inquiries. Visa/MasterCard payment accepted. Cover price, $3.95. Back issues, $3.95 (includes postage and handling). Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. For a copy of THE WEEKLY STANDARD Privacy Policy, visit www.weeklystandard.com or write to Customer Service, THE WEEKLY STANDARD, 1150 17th St., NW, Suite 505, Washington, D.C. 20036. THE WEEKLY STANDARD Advertising Sales Office in Washington, DC, is 1-202-293-4900. Advertising Production: Call John L. Mackall 1-202-496-3354. Copyright 2002, News America Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Incorporated.

BPA INTERNATIONAL

www.weeklystandard.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Democrats' Flag Fantasy

The war room lives! Within minutes of Trent Lott's statement that he was stepping down as majority leader, Democrats were repeating their headquarters-dictated talking points—make that talking point: The GOP is the party of the Old Confederacy.

Nancy Pelosi, top House Democrat, said: "The Republicans have repeatedly exploited the issue of race, as recently as the election in November in Georgia, where their successful campaigns for U.S. senator and governor centered on the Confederate flag."

A letter from John Conyers Jr. to Attorney General Ashcroft was released, accusing Republicans of racist foul play in 13 states, beginning with some concerns about "key races that were under the purview of National Republican Senatorial Committee chairman Bill Frist"—Lott's likely successor.

DNC chairman Terry McAuliffe echoed Conyers with a statement expressing concern over "incidents of minority voter intimidation" in Louisiana, Arkansas, Texas, and New Jersey Senate campaigns.

Hillary Clinton chimed in: "Two senators were elected in the South on the Confederate flag. There was concerted voter suppression of black voters in places like Arkansas, Louisiana, and Maryland, and other places."

So did Bill: "They've tried to suppress black voting, they ran on the Confederate flag in Georgia and South Carolina, and from top to bottom the Republicans supported it. So I don't see what they're jumping on Trent Lott about."

Well, the Democrats certainly have rich fantasy lives. The voter-intimidation anecdotes are as reliable as the papers that reported them. (What? You're not a regular reader of the *Montgomery Advertiser* and the *Las Cruces Sun-News*?) As for the flag business, when Sonny Perdue beat Roy Barnes in Georgia, Barnes chalked up his loss to the flag issue out of sour grapes. But Perdue barely mentioned the flag, and then only when asked. Same with Mark Sanford, who beat Jim Hodges in South Carolina. Hodges's decision to remove the Confederate flag from the state capitol might have annoyed some voters. But it wasn't a Sanford issue. All in all, an impressive display of synchronized spinning. Too bad the outrage was phony. ♦

Spicoli Diplomacy

We thought we had reached the apex of celebrity nitwittery when reporting last week that the formerly famous Ed Begley Jr. had decided the best way to stunt the Butcher of Baghdad was to pull together, follow our consciences, and drive electric cars. But then Sean Penn went to Iraq.

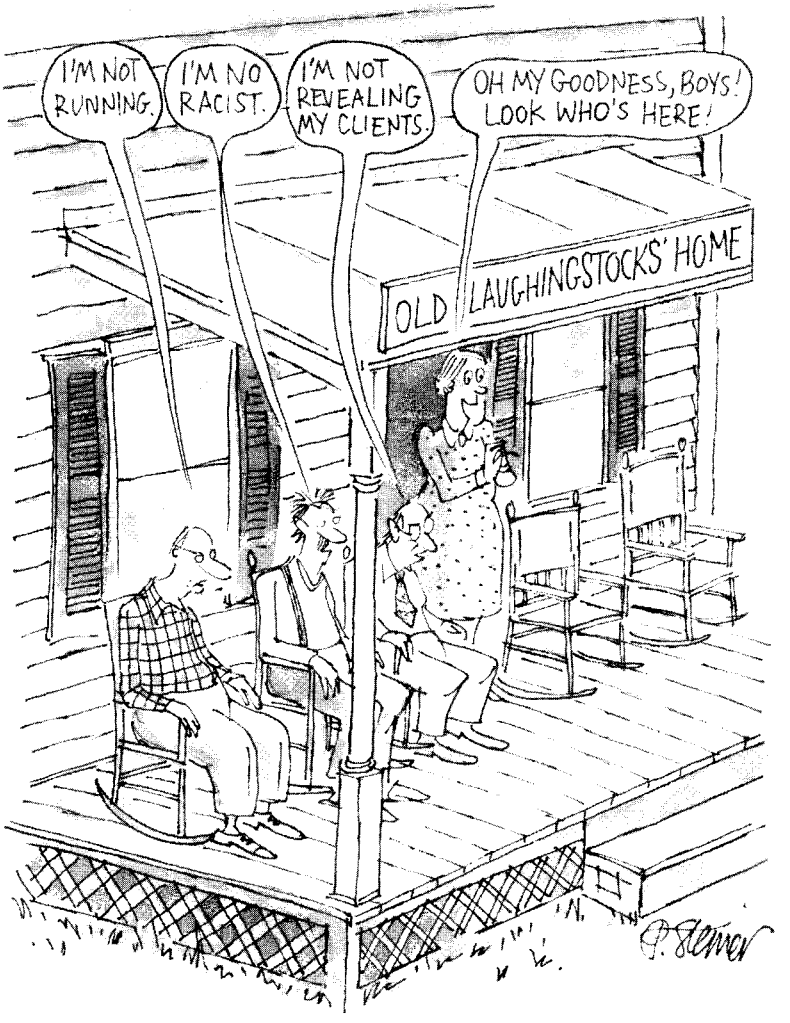
THE SCRAPBOOK couldn't get enough of the surly actor, who, as Jay Leno suggested, must have been elated to be in Baghdad—"the first time Sean Penn has ever been in a country where he was the only guy who had slept with Madonna." We were glued to the footage of Penn doing what he does best: skulking around, smoking cigarettes, looking pompous. But in an interesting twist, he was holding a camera, playing paparazzo. We must admit, we were kind of hoping that some poor Iraqi citizen, mindful of his privacy, would make like stateside Sean Penn and punch him in the face.

This, of course, isn't Penn's first foray into the antiwar effort. Last month, he took out a newspaper ad to publish his open letter to George W. Bush. In it, he charged, "As you seem to be willing to sacrifice the children of the world, would you also be willing to sacrifice ours? I know this cannot be your aim, so, I beg you Mr. President, listen to Gershwin, read chapters of Stegner, of Saroyan, the speeches of Martin Luther King. Remind yourself of America. Remember the Iraqi children, our children, and your own." The ad cost $56,000, proving that there's one thing even Sean Penn's money can't buy: coherence.

At the time, THE SCRAPBOOK thought that with the possible exception of making *Shanghai Surprise 2*, it would be nearly impossible for Penn to more greatly embarrass himself. Then, he accepted the invite of the lefty Institute for Public Accuracy to go to Iraq. While there, Penn claimed, "I did not come here to criticize any government or president." That must explain why, while hanging out at the Al-Rashid Hotel, he told the *Washington Post*, "Somewhere along the line, the actions of this government are the actions of me. And if there's going to be blood on my hands, I'm not willing to have it be invisible." The *Post* reported that he was "puffing away on a cigarette." Whether it was tobacco wasn't specified.

By the time Penn got home, he was in for a rude shock. *Iraq Daily* had released an account of a phony Penn statement, saying that he "confirmed that Iraq is completely clear of weapons of mass destruction and the United Nations must adopt a positive stance towards Iraq." Penn's people were stunned. Norman Solomon of the sponsoring Institute for Public Accuracy said it was "preposterous" and that Penn had "never said anything of the kind." Penn's publicist said, "Propaganda exists and will be used to suit the perpetrator's advantage." Imagine that—a country whose only newspapers are run by something called the Ministry of Information putting out propaganda.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



While Hollywood will no doubt soon be bestowing on Penn some sort of lifetime humanitarian achievement award, we're prepared to offer our version of the same: the Spicoli award (for celebrities more clueless than the stoner surfer Penn played in *Fast Times at Ridgemont High*). Or at least we were prepared to make him our Spicoli laureate until we heard the news, as we were going to press, that the original Baghdad Sean, Hanoi Jane Fonda, has just touched down in Israel to protest the West Bank occupation, along with an international feminist organization called "V-Day" (Vagina-Day). With Fonda in the field, and rumors that Mary-Kate and Ashley are off to Myanmar to demand the release of political prisoners, there's still plenty of time to pick a winner—and to get caught up on those Stegner chapters. To be continued. . . . ♦

Truth, Lies, and Clones

Stanford University's duplicity about its new plan to experiment on cloned human embryos—the subject of our editorial last week—continues. On December 11, the university published a "Q&A" on its website, describing its intention to pursue research that "involves inserting the nucleus isolated from an adult cell into an unfertilized egg." It declared that such research is not in fact "human embryonic cloning" (which it is) but "nuclear transplantation (or transferal) to produce human pluripotent stem cell lines." And it further claimed that "President Bush's own bioethics review panel" agreed with the university that cloning is not cloning and that harvesting cloned embryos is a "necessary step" for medical progress.

In fact, the President's Council on Bioethics explicitly rejected Stanford's brand of terminology and unanimously concluded in its July 2002 cloning report that what such research produces and destroys is a "cloned human embryo." And the council did not "endorse" such experiments at all, as the Stanford press release claimed: To the contrary, the council majority recommended a four-year moratorium on this "morally troubling" research. As Leon Kass, the council chairman, put it: "We have resisted the temptation to solve the moral questions by artful redefinition."

Stanford, by contrast, has gone postmodern. After it received a letter from Kass demanding a correction and urging the university to halt its planned cloning experiments, Stanford deleted any reference to the council from its website, apologized for its error, and called the council's view one "interpretation" of the science. But the biggest lie of all remains: Stanford continues to claim that cloning is not cloning, embryos are not embryos, and that the public and the media are not smart enough to know the difference.

As one Stanford spokesperson put it: "We plan to perhaps use the technique we describe but we are calling it something else." In other words: Pay attention to what we say, not what we do. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Casual

Free Speech

A consumer-math problem: How many cell-phone calls would you have to make to be billed $1,759.35?

That question recently occupied our household, as did a consumer-satisfaction problem: How many customer-service calls would you have to make to your cell-phone company before someone admitted that the $1,759.35 wasn't your responsibility? "Our" debt was finally cancelled, but not before the company let us know we were being referred to a collection agency.

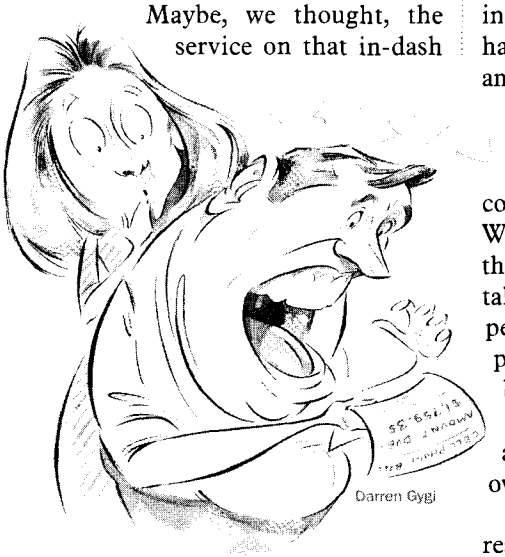
It all started back in August, when we decided to trade in my wife's car. The trade was straightforward, our old car (plus, of course, some cash) for a new one of the same model. But there was something we had to tend to as we traded.

Our car had an in-dash phone. It's a marvelous convenience, since you can talk hands-free. But it's not the sort of phone you remove and keep for your next car. So we called our cell-phone company to end the service. We also asked that the number be held for the next few days. We explained that we wanted to keep the number for the in-dash phone we figured we'd soon buy for the new car.

When we saw the stratospheric price of in-dash phones (a subject that ought to interest my colleague David Brooks), we decided we didn't need one after all. So Jill called our company and asked that the number be transferred to one of our hand-held phones. It was a number already known to schools, doctors, and neighbors.

As summer turned into autumn, we forgot all about this. We assumed the number had been transferred to the hand-held since the bills we got in September and October were small, in line with what we'd been paying.

Early November brought the bill for the previous month. My wife didn't open the envelope right away, knowing that the payment wasn't due for some weeks. When she did open it, she immediately realized something was badly wrong: $897.86 was "DUE UPON RECEIPT." We'd never had a bill anywhere near that much. It stretched on for pages, and the calls listed—all 556 of them, mostly made while roaming—were to places we didn't recognize. Maybe, we thought, the service on that in-dash phone had never been ended. Maybe the number had never been transferred. Maybe someone—the new owner—had racked up those charges.


Darren Gygi

In a call to customer service, Jill navigated the many recorded prompts before reaching first someone named Richard, then someone named Philip, who said he'd "research" the problem. At least he asked whether we'd like to have the service terminated and the number retired. This was finally done, on November 22. But that left the matter of the bill. We weren't going to pay it.

Soon the bill for November arrived, and it, too, was astronomical—$888.48, for 483 calls, most (again) while roaming. And this bill informed us that October was "past due." *Past due!* Days later we got a letter advising that a collection agency would be assigned the job of prying the $1,759.35 out of us. Just what we needed: more strangers calling us around dinner time.

Surely there was a disconnect here. None of the customer-service people we'd talked to had so much as hinted that we would have to pay. They had told us, in fact, that their own records showed a note back in August recording our request to have the service on the in-dash phone terminated.

After a week of conversations with Philip, Ramon, Richard, another Richard, and then Angela, a very helpful lady named Mimi, who works in "fraud," finally realized what had happened. She blotted out the debt and actually gave us a combined credit/refund (which we hadn't thought to ask for) of close to $100.

I'll confess that I finished my conversation with Mimi unsatisfied. What about the person who made those calls—all 1,039 of them? We're talking an average of more than 20 per day, most while roaming, to places in the Mid-Atlantic region but also to California, Michigan, Tennessee, Louisiana, Oklahoma, and South Carolina. Would the new owner get a bill for $1,759.35?

No, said Mimi. Why? She didn't really explain, but I guess the phone company figured it didn't have a case. After all, it had made a mistake when it had failed to end our service and transfer the number. The new owner simply took advantage of the mistake. But that doesn't mean he can be excused, and I refuse to believe he didn't know what he was doing.

Meanwhile, I can't help but wonder whether he's got our old in-dash working, and if so who's providing the service. And, not least, whether he's making as many calls as he did when the phone was still "ours." I doubt it. If he is, he'll shortly be learning the fine points of the difference between free speech and paid speech.

Terry Eastland

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Office of National Drug Control Policy

ARE YOU WILLING TO KILL SOMEONE TO PROTECT YOUR DRUGS?

Or would you rather leave that to SOMEONE ELSE?

The truth is, it's not up to you whether someone lives or dies when it comes to your drugs. Because for a drug dealer, anything that gets in the way of his money is something that gets eliminated.

The names of the children and innocent families who have been tortured and murdered in the name of drugs make up a list too long to ignore.

But you could help stop it all.

Don't give drug dealers your money. Because without drug buyers, there's no drug market. Without a drug market, there aren't any drug dealers. Without drug dealers, the misery, pain and death of the drug trade goes away.

You can help stop the terror. Or you could just leave that to someone else, too.

theantidrug.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the weekly Standard

Race and the Republicans

"Senator Trent Lott's lament that Strom Thurmond lost his segregationist campaign for the White House in 1948 . . . is already influencing an internal Bush administration debate on what approach to take on a major affirmative action case.

"Perhaps most striking, a senior administration official said today that Mr. Lott's statement of support for affirmative action . . . has complicated a developing debate within the administration over a coming Supreme Court case. . . .

"The official said an internal debate had already developed over what position the administration should take in an appeal involving the University of Michigan's affirmative action programs.

"'The Lott business has been like a powerful magnet distorting the debate on this,' the official said."

—*New York Times*, December 19, 2002

Distorting the debate? How so? The only ways we can think of would be bad. The Michigan cases offer an especially timely opportunity for the Bush administration to take a stand in favor of nondiscrimination and equality of treatment. But "the Lott business," which may not be over just because the majority leader has resigned his position, may be influencing the administration to move in the wrong direction.

In the University of Michigan cases about to be heard by the Supreme Court—*Grutter* v. *Bollinger* and *Gratz* v. *Bollinger*, which respectively challenge the race-conscious admissions policy at the law school and at the undergraduate level—the government isn't a party. So if the administration enters the cases at all, it must do so as an amicus curiae, or friend of the court. Thus the choices before the White House are: Don't file at all, file in support of Michigan, or file in support of the plaintiffs. If it supports the plaintiffs, the administration can make either a timid or a full-throated argument. The former would indulge discriminatory admissions. The latter would ask that the discrimination end, now.

The right choice is to join the plaintiffs and make a full-throated argument against race discrimination. But all the wrong choices are not equally bad.

Here let us pause to introduce essential facts and the key legal issue. The undergraduate school gives applicants "points," with 100 (out of a possible 150) usually enough to establish admission. A perfect SAT score, for instance, will net you 12 points. Being African American, Hispanic, or American Indian is worth 20 points. Awarding those (and only those) minorities 20 points on account of their skin color or country of origin has been deemed necessary to keep their enrollment at more or less the same level as under the old quota system abandoned in 1998 (after it became public knowledge).

The law school similarly favors applicants from these three groups. It gives such weight to race and ethnicity that the odds of admission for minority students are far greater than for non-minority students with similar academic records. The point of the weighting is to guarantee each class a "critical mass" of minority students—at least 10 percent.

The main legal issue is the same in both cases. The equal protection clause of the Fourteenth Amendment says that no state shall "deny to any person within its jurisdiction the equal protection of the laws." The Michigan schools, of course, are state schools. The question before the Court is whether the schools' use of race in deciding which students to admit violates the equal protection guarantee. The test the Court has elaborated to answer such a question is whether the use of race is "narrowly tailored" to achieve a "compelling interest." In other words, you must have very good reasons for using race, and there must be no other way to achieve your goals except by its very careful, indeed surgical, use.

Now, we can well imagine there are administration officials wanting to sit on the sidelines, so as to avoid being pulled into the Lott firestorm. But sitting out this case would be odd, not to say cowardly, since so far as we can tell no administration (whether Republican or Democratic) has ever failed to file a brief in an affirmative action case being reviewed by the Supreme Court. That said, it would be better to stay out than to get in and merely argue such technicalities as whether or not the university's use of race is "narrowly tailored."

It is certainly possible to approach the Michigan cases in such terms, while dodging the larger constitutional

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

issue. Some of the judges in the litigation have done just that. Uses of race are almost always loosely tailored, if tailored at all, and Michigan's policies share that problem. But the difficulty with arguing for better tailoring is that the argument is almost never imaginative enough to confront all the ways those determined to use race will try to do so. The argument is too weak an instrument to put a halt to discriminatory admissions.

There is a practical point here as well. The current Court, when it agrees to hear a controversial case at all, tends to address the big issue at stake. It's hard to believe the justices agreed to hear the Michigan cases merely to write an opinion about the fine points of "narrow tailoring" and leave untouched Michigan's justification for its use of race in the first place—its "compelling interest" in student body diversity. After all, it is the pursuit of "diversity" that has produced Michigan's discriminatory admissions. And Michigan is hardly an isolated case. Schools throughout the country likewise invoke diversity to justify their racial classifications. Which means that diversity-based admissions is a national issue. Indeed, it has been litigated in no fewer than four federal circuits, and those courts are in sharp disagreement. For the administration to get into the Michigan case and fail to address the diversity rationale would be a waste of its time as well as the Court's.

A brief arguing against diversity would be the one most intensely criticized by race demagogues. It's also the right thing to do.

Even so, we can imagine administration officials, influenced by the Lott business, contending that, well, if we must oppose the Michigan policies, we had better do so in a way that won't allow us to be accused of being racists—and a narrow-tailoring brief is thus the one we should file. But there's no appeasing demagogues. For race-mongering Democrats now looking for Republicans to intimidate, any kind of brief is likely to draw accusations of racism.

Make that, *almost* any kind of brief. Is it conceivable that the Lott business has so distorted the internal debate that some administration officials might actually be considering putting in a brief in behalf of Michigan and its diversity rationale? If that's what the administration winds up doing, the race intimidators will indeed have triumphed. It's hard to believe the president would reverse his stated position opposing diversity admissions, and we like to think that a pro-diversity brief would be rejected out of hand, on principle.

We come, then, to what the administration should do: File a brief opposing the diversity rationale. Its flaws are apparent. The claim made for diversity is empirical, not one of principle. It says that education is improved by interracial conversations and comments that occur randomly, inside and outside the classroom. This claim has been subject to vigorous debate, so much so that you wonder how it can be considered sufficiently "compelling" to justify discrimination. At the heart of the rationale is a racialist assumption, actually stated in Justice Powell's pro-diversity opinion in the landmark *Bakke* case (1978), that minorities bring to a campus "something that a white person cannot offer." This rationale wrongly sees individuals as fungible members of their racial groups (or the groups to which admissions officers assign them). In addition, the rationale confides to school officials discretion to say which racial and ethnic groups should be favored—and disfavored—in the pursuit of diversity, and by how much or by how little. Diversity regulation may even mean discriminating against those you would expect to be favored. In the *Piscataway* case several years ago, the Clinton administration acknowledged (approvingly) that the diversity rationale may be used to justify discrimination against blacks. Diversity-based discrimination, by the way, is never-ending, simply because it contains no principle by which it might be ended. For always it will be possible to say that there are both "underrepresented" and "overrepresented" groups.

Yes, a brief arguing against diversity would be the one most intensely criticized by the race demagogues. If the internal debate shifts in favor of such a brief, we can imagine some inside the administration arguing strenuously in favor of just sitting the whole thing out. That would be a purely political argument. But it would fail to recognize the political opportunity—for party and principle—that Michigan affords.

The country has now gone through two weeks during which no one in a position of elected leadership in the Republican party has really stood up for the party's core principle, even as Trent Lott has made a fool of himself. Lott's remarkable achievement was to have, within ten days, commented in favor of segregation and then also in favor of "across the board" affirmative action—positions that would have qualified him as a Democrat in good standing both in 1948 and 2002. (Indeed, Lott's ultimate reparative act might have been to switch parties.) By filing a brief against diversity, the administration could reaffirm the Republican party's and indeed the nation's best principles. By coming down on the side of nondiscrimination and equal treatment, the administration would state that in America both hostile and "benign" racial classifications are presumptively wrong, and for the same reason: They violate the right of the individual to be treated without regard to race.

—Terry Eastland, for the Editors

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Life After Lott

A merry Christmas for the GOP.

BY FRED BARNES

REPUBLICANS APPROACH 2003 with the embarrassing Trent Lott flap over, the most attractive and genial Republican senator, Bill Frist, installed as the new Senate majority leader, and his tough and shrewd conservative colleague Mitch McConnell as the majority whip. It's Denny Hastert and Tom DeLay all over again, Mr. Outside and Mr. Inside, the good cop and the bad cop.

Meanwhile, Democrats, led by the Clintons and their consigliere, Democratic chairman Terry McAuliffe, enter the New Year issuing absurd and demagogic charges about how Republicans use race to win elections. It's pure race-baiting, crude and untrue. Having lost the November 5 election on the national security issue, Democrats are now playing the race card, but in a way that's likely to hurt only themselves.

Who'd have guessed that Republicans would be up, Democrats down? For two weeks, Republicans had been on the defensive. President Bush was forced to dump his economic team, the GOP lost the Louisiana Senate race plus a Republican House seat, Saddam Hussein was winning the public relations war with Bush by welcoming arms inspectors, and Lott made an extraordinary mistake by going public with a private pleasantry between him and retiring senator Strom Thurmond suggesting nostalgia for segregation. Democrats had a lot to capitalize on. They tried to exploit the Lott case to tar all Republicans as racists. What Lott had said publicly, Sen. Hillary Clinton declared, other Republicans mutter privately. Who was she talking about? Which Republicans? She didn't say.

Republicans may be lucky, for a change. Not only did the Lott affair end well with the senator's decision to step down, but Saddam Hussein played into America's hands by submitting a palpably fraudulent inventory of his weapons to the United Nations. Even Hans Blix, the squishy arms inspector, and the French ambassador to the U.N. turned on Iraq. It set the stage for Secretary of State Colin Powell to denounce the Iraqis for a "material breach" of a U.N. resolution. And it improved the chances the Bush administration will have plenty of allies, including the French, on board when the time comes, probably in February, to drive Saddam out of office and liberate Iraq.

Democrats look desperate and self-destructive. With the retirement of Thurmond and Sen. Jesse Helms, the GOP has very few Dixiecrats left in the party. Yet Democrats would have the nation believe Republicans are racists at heart, only adept at covering it up. In campaigns, they say, Republicans use clever code words and issues, like retaining the Confederate flag, that are proxies for racism. Does anyone believe this about the 2002 Republican Senate candidates, say Elizabeth Dole in North Carolina or Lindsey Graham in South Carolina or Lamar Alexander in Tennessee or John Cornyn in Texas? Not a chance. The charge is both unprovable and implausible.

For two weeks, the Lott controversy looked as if it would bedevil Republicans for months or years. Lott refused to quit and his apologies helped very little. But once it was clear he couldn't last as majority leader, his friends and allies—especially McConnell—quickly nudged him toward quitting. And just when a soft landing from the flap seemed impossible, it happened with the ascension of Frist. He is a great story all by himself, a heart doctor who volunteers his time for surgery in Africa and wrote a book about combating anthrax and other biological weapons. Frist is also popular with the media (at least until he makes a few conservative decisions as majority leader). Republican senators wisely rushed to crown him before Christmas.

Conservatives have reason to worry about Frist's ideological commitment, but not much. True, he's a moderate conservative with a pragmatic streak, just like Bush. And he emphasizes domestic issues such as health care. In fact, he represents the triumph of Bushism: a compassionate conservative in command of the Senate, or, put another way, conservatism with a happy face. Things may not work out perfectly for conservatives in terms of substance, but the emergence of Frist is great PR for Republicans.

Quite suddenly Republicans have an unusually capable leadership team in the Senate. Lott and his whip, Don Nickles, didn't get along and it showed. Frist is likely to work smoothly with McConnell, who graciously endorsed him for leader rather than challenge him in a contest that would have lingered over the holidays. Along with McConnell, the number three and four members in the leadership, Rick Santorum and John Kyl, are among the smartest conservatives in the Senate. So, post-Lott, Republicans are filled with optimism for 2003. Democrats are merely bitter. ♦

Illustration by Thomas Fluharty

Fred Barnes is executive editor of THE WEEKLY STANDARD.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Democrats' Race to the Bottom

There they go again.

BY STEPHEN F. HAYES

DEMOCRATS GOT SMART about the Trent Lott controversy too late. A few days before Lott stepped down as majority leader, prominent Democratic politicians and pundits—Rep. John Lewis, Jesse Jackson, James Carville, Lanny Davis—began saying that Lott should remain. They all spoke of forgiveness and redemption and deplored the harsh world of Washington politics.

Stephen F. Hayes is a staff writer at THE WEEKLY STANDARD.

Even the most casual observer could see that Democrats wanted Lott to keep his official job, as Senate GOP leader, and his unofficial one, as the face of Republican racism. Even as top Democratic partisans were making nice with Lott, former President Bill Clinton was reinforcing the notion that Lott's offensive words were a gaffe that had exposed a Republican agenda "inimical to everything this country stands for."

"How do they think they got a majority in the South anyway?" Clinton asked on CNN. "I think what they are really upset about is that [Lott] made public their strategy." Clinton added: "He just embarrassed them by saying in Washington what they do on the back roads every day."

There you have it—a simple, two-tiered strategy: Keep Trent Lott in power, then portray the Republicans as the party of Trent Lott, neosegregationist. Into the bargain, Democrats would push Lott to abandon the colorblind policies favored by Republicans in Congress, by Republican voters, and by an overwhelming majority of Americans, according to most polls.

Indeed, on that score, Democrats succeeded with respect to Lott himself. Lott told Black Entertainment Television's Ed Gordon that he supports affirmative action "absolutely." What's more, he said, his efforts from

THE Public Interest

"The Public Interest *is simply the nation's best domestic policy journal.*"
— David Brooks

WINTER 2003

The Past and Future of Welfare Reform
Douglas J. Besharov

Biotechnology: A House Divided
Leon R. Kass • Diana Schaub • Charles Murray
William A. Galston • J. Bottum

Psychiatry in the Courtroom
Douglas Mossman

***James Q. Wilson* on Edward Banfield • *Howard Husock* on public housing**
***Robert C. Bartlett* on boredom**

Book Reviews by *Jay Winik*, *Ken I. Kersch*, and *Robert Goldwin*

Name _____
Address _____
_____

To subscribe call 888/267-6030
Or write to us at:
1112 16th Street, N.W., Suite 140
Washington, D.C. 20036

Subscriptions: $25.00 per year (4 issues), $42.50 for two years

WS1202

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

now on would be "about actions more than words. As majority leader I can move an agenda that would have things that would be helpful to African Americans and minorities of all kinds and all Americans."

Plainly, Lott, had he retained his leadership job, would have taken his party along on a Repent with Trent tour, trying desperately—a statute here, a preference there—to win the approval of black political leaders. Naturally, any such attempt to fawn his way to favor would have failed. Lott was too valuable to the Democrats. You can hear them now: *How can you, Candidate X, oppose affirmative action? Even Trent Lott, who wanted the segregationists to win in 1948, is for affirmative action.*

No, the Democrats wanted Lott right where he was—in leadership. They wanted him because they need black voters and high turnouts, or their fragile interest-group coalition falls apart. For them, Republicans reasonable on race and attractive to blacks are a mortal danger.

Think back to the presidential election in 2000. George W. Bush ran as a new, inclusive, "compassionate conservative." He swore he would ban racial profiling. He denounced "the soft bigotry of low expectations." He backed some school choice proposals, strongly favored by most blacks with school-aged children. He was loath to mention racial preferences or affirmative action. His nominating convention was a multicultural wonderland.

Despite all of this, an outsider watching the final days of the Democrats' 2000 campaign could have concluded that George W. Bush was Jefferson Davis and that segregation, lynching, and voting rights were major issues.

At an appearance at a black church in Pittsburgh as part of a last-minute attempt to get black voters to the polls, Al Gore accused Bush of speaking in code on the campaign trail. "When my opponent, Governor Bush, says that he will appoint strict constructionists to the Supreme Court," Gore said, "I often think of the strictly constructionist meaning that was applied when the Constitution was written, how some people were considered three-fifths of a human being."

Later that weekend, Gore joined Louvan Harris, sister of the murdered James Byrd Jr., on stage in Philadelphia. He listened to her describe her brother's horrible killing by Texas racists. "They spray-painted him black, chained him to a truck, dragged him three miles. His head came off, his arms—dismembered his whole body," Harris said. Gore stood by silently as Harris continued, "We have a governor of Texas who doesn't think that's a hate crime. My question to him is, if that isn't hate, what is hate to George Bush? He had an opportunity to do something for our family. He did nothing."

The NAACP memorably turned that repulsive crime into an anti-Bush campaign ad, featuring grainy, black-and-white footage of a pickup truck, chains dragging from the back. Jesse Jackson was asked on CNN, "Is the NAACP going too far in suggesting that Governor Bush is someone who could support the murder of James Byrd?" He gave a direct answer: "No."

Get that? George W. Bush *could support the murder of James Byrd.*

"The threat is real," Jackson said of Bush that same weekend. "Clarence Thomas, backed by Strom Thurmond, Jesse Helms, Orrin Hatch—they'll take us back to 1896 [when the Supreme Court upheld segregation]. We'll go back on organized labor. We'll go back on affirmative action. We'll go back on self-determination."

It's worth noting here that Jackson's disgusting remarks—Clarence Thomas would like to return to an America where segregation is legal?—elicited none of the media response that greeted Trent Lott's comments. Three reasons: One, Jackson isn't the Senate majority leader. Two, Jackson has a long history of outrageous pronouncements. Three, there is a media double standard on race. In Lott's case, most journalists showed up late to the controversy and then piled on. With Jackson, there was no outrage at all. Reporter Greg Bolt of the Eugene, Oregon, *Register-Guard* even gave Jackson's comments a sycophantic introduction: "The man known sometimes as the great unifier and the conscience of the nation hammered home the need to vote."

The Clinton administration, never content to leave politics to the political realm, sent Attorney General Janet Reno in front of the cameras to warn against voter intimidation. Five days before the election, Reno warned that federal law contains "special protections for the rights of minority voters and guarantees that they can vote free from acts that intimidate or harass them." She continued: "For example, actions of persons designed to interrupt or intimidate voters at polling places located in minority areas by questioning or challenging them, or by photographing or videotaping them, under the pretext that these are actions to uncover illegal voting may violate federal voting rights law and will not be tolerated."

Reno was essentially updating the words her boss had spoken in 1998, days before a record minority turnout helped Democrats pick up congressional seats against historical precedent. Clinton, speaking specifically to Republicans, had urged them to "stand up and put a stop" to their alleged intimidation of minorities. "For the last several elections there have been examples in various states of Republicans either actually or threatening to try to intimidate or try to invalidate the votes of African Americans in precincts that are overwhelmingly African-American—mostly places where they think it might change the outcome of the election." Despite several attempts by Republicans and at least one reporter to substantiate these charges, the Clinton administration could provide no evidence.

The attacks throughout the 2000 election cycle came despite the virtual absence of race as a policy issue. Shortly before the election, a think tank that focuses on race, the Joint Center for Political and Economic Studies, polled black voters. Only

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

2 percent polled said "race relations/racism" was the top issue. Even President Clinton, who had spent much of the fall appealing to blacks on behalf of his party, allowed that the election was "not fundamentally about race."

Yet Democrats had a reason for race-baiting: "I think there's no question that the African-American community, no doubt about it, is the base of the Democratic party," Gore campaign chairman Bill Daley said on CNN just before the election. "So we're going to be working very hard to get that base out."

Gore's efforts to get the base excited were tireless. Shortly after Bush selected Dick Cheney as his running mate, a "Democratic strategist" told the *New York Times* about well-developed plans to go after Cheney for a 1986 vote he cast "against Nelson Mandela." The suggestion was that this was a vote for apartheid. The Democrats' opposition research was effective but dishonest. Cheney had voted against the resolution in question for complicated reasons, most having to do with the Communist leadership of Mandela's African National Congress. Cheney was hardly alone in casting the vote—145 Republicans and 31 Democrats had voted with him. Still, he was forced to explain the vote—one of thousands he'd cast—on numerous occasions during the campaign. Democrats had radio ads in the can. And a media frenzy seemed imminent, especially if Democrats could come up with the right person to make the accusation.

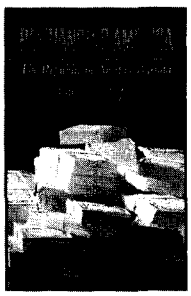
Who better than Bill Clinton? "Now, all the big publicity is about, in the last few days, an amazing vote cast by their vice-presidential nominee when he was in Congress against letting Nelson Mandela out of jail," Clinton said. "That takes your breath away."

But Clinton's effort failed, and the Democratic campaign had to be shelved. This had nothing to do with a sudden emergence of conscience. Rather, it was a product of poor planning. Clinton unveiled his attack on Cheney's vote in speeches at three fundraisers for Democrat Bill Nelson, now the junior senator from Florida. The problem was, Nelson had been in Congress with Cheney, and he had voted the same way. As a spokesman for Nelson explained at the time: "Bottom line is that Nelson strongly supported two components of the measure, and he considers Mandela one of the century's great leaders. He could not support the third, recognizing the ANC, because it was dominated by the Communist party. This vote should be looked at in context."

There were similar efforts to paint Republicans as racists throughout the country. Democrats were behind some of them. Their allies in the NAACP and the civil rights establishment were responsible for others. In a 2000 campaign that even Bill Clinton conceded had little to do with race, race was everywhere.

It would have been again in 2004 had the Democrats had Trent Lott to kick around. They don't, so it won't be as easy for Democrats to play the race card, but Lott's absence won't cause them to stop trying. ♦

State University of New York Press



"...an excellent behind-the-scenes look at the legislative process." — *Jay Soled, Rutgers University*

REFINANCING AMERICA
The Republican Antitax Agenda
Sheldon D. Pollack

A highly accessible history of Republican tax policy.

280 pages • Illustrated: 5 tables • $22.95 pb ISBN 0-7914-5590-4

Visit our website at **www.sunypress.edu**, now with online ordering!
Or call: 1-800-666-2211 • e-mail: orderbook@cupserv.org • Amex, Disc, MC, Visa

A conversation with

Phyllis Schlafly

Join us for a live three-hour interview with author and commentator Phyllis Schlafly.

Sunday, January 5
noon–3 pm ET
on C-SPAN2's *In Depth*.

Call in with questions or e-mail them to booktv@c-span.org.

Check local listings for C-SPAN2.

Created by Cable. Offered as a Public Service.
booktv.org

Book C-SPAN2

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Democracy for Muslims—Sort Of

His administration's policies don't match the president's rhetoric. BY REUEL MARC GERECHT

IS THE UNITED STATES about to become midwife to democracy in the Muslim Middle East? President George W. Bush has certainly given unprecedented speeches on the inalienable right of Muslim men and women to be free, and on December 12, Secretary of State Colin Powell announced a new $29 million pro-democracy U.S.-Middle East Partnership Initiative. "America wants to align itself with the people of the Middle East," declared Powell, and the initiative places "the United States firmly on the side of change, on the side of reform, . . . on the side of hope."

The director of central intelligence, George Tenet, whose CIA credentials make him as important as Powell in the eyes of the Middle East's conspiracy-fed regimes, has also stated that the United States ought to "enlarge the opportunities within the Muslim world to embrace democratic norms, to encourage open, constructive political discussion in closed, reserved societies, [and] to support experiments in improved governance." And the State Department's director of policy planning, Richard Haass, states unequivocally that "the United States can and should do more promoting democracy" in the Middle East.

Clearly, something has changed since the Gulf War and Bush père's New World Order. It would have been inconceivable for Haass's former boss and mentor, the "realist" national security adviser to Bush I, Brent Scowcroft, ever to recommend a more liberal dispensation throughout the Middle East. The American Left and Right could rise in moral dudgeon about the racist foundation of Boer culture and politics in South Africa, championing through sanctions the democratic rights of African blacks. Yet liberals and conservatives across the West have shied away from reprimanding Muslim Middle Easterners about their governing ethics. Highly Westernized, pro-American, "pro-Israeli" despots might occasionally get pilloried—the shah of Iran got scorched. But most rulers, particularly when they depicted themselves as defenders of a non-Western cultural and political tradition, were granted enormous latitude in their behavior, even with respect to the status of women, religious pluralism, and other hot-button issues. Muslim traditionalists, Islamic reformers, and Arab secular liberals might scathingly critique Saudi Arabia's repressive, so-called "orthodox" society, but American diplomats, businessmen, journalists, and academics rarely did.

Until September 11. Now a consensus is growing within the administration that there are causal links between Middle Eastern authoritarianism and the rise of lethal anti-American Islamic extremism.

But is this actually changing the way Foggy Bottom, Langley, and the Pentagon deal with their Middle Eastern counterparts? American rhetoric always has some effect in Cairo, Riyadh, or Amman, but the daily actions of diplomats, spooks, and soldiers are more convincing indicators of American intentions. And if we use that standard, there is little reason to believe the status quo has changed. Indeed, the Bush administration may even make the situation worse.

In the Middle East, the assistant secretary of state for Near Eastern affairs, William Burns, articulates counterterrorist, not democratic, priorities. While recently visiting Algiers, Burns announced that Washington "has much to learn from Algeria on ways to fight terrorism." The United States even appears to be on the verge of signing an agreement to sell the government of President Abdelaziz Bouteflika military equipment to fight Islamic militants in a decade-old war that has killed at least 100,000 people.

Islamic militants in Algeria have indeed been savage; their ferocity has been matched, however, by a military regime that has demonstrated since its revolutionary birth in the fight against imperial France an enormous appetite for violence. Unless the Bush administration intends to adopt Algiers's counterterrorist tactics—interrogation through torture, indiscriminate murder, and sometimes the slaughter of entire villages—it is highly doubtful that Algeria's military regime has much to teach us about al Qaeda, which has astutely kept its distance from Algeria's killing fields. In fact, until the arrest of the Algerian Ahmed Ressam, the wannabe bomber seized at the U.S.-Canadian border in December 1999, neither Algiers nor Washington nor Paris had focused at all on Algerian-al Qaeda connections. And today Algerian military men, in light off-handed moments, can still suggest they didn't really care about al Qaeda until the Americans came calling. No fools, they have happily welcomed American Special Forces, diplomats, and spooks.

And there is nothing wrong with CIA officers' discreetly gathering information from Algerian intelligence and security officers about Algerian-affiliated terrorist groups that have, to some extent, merged with the al Qaeda network in Western Europe. France's internal-security and intelligence services have, how-

Reuel Marc Gerecht is a contributing editor to THE WEEKLY STANDARD *and a resident fellow at the American Enterprise Institute.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ever, much better information on such terrorists than do the Algerians. But so far we have not heard senior U.S. officials publicly thanking the French, who gladly share their al Qaeda-related intelligence information. Nor have we heard Assistant Secretary Burns similarly praising the Israelis, from whom over the years we have learned much about Middle Eastern terrorism.

At a minimum, it is historically bizarre for a senior State Department official publicly to embrace the Algerian regime, suggesting that we are in an undifferentiated fraternal struggle against terrorism. It is certainly unlikely that Algeria's generals will view Burns's remarks and any American weapons sales as incentives to democratize. And the average Algerian probably would find Burns's comments appalling.

Assistant Secretary Burns was, of course, following precedent. Colin Powell had similarly praised the regime of Egyptian president Hosni Mubarak. "Egypt, as all of us know, is really ahead of us on . . . the issue of the war on terror," averred Powell. "They've had to deal with acts of terrorism in recent years. . . . And we have much to learn from them."

It would be helpful if Secretary Powell were actually to spell out what we ought to emulate in the Egyptian modus operandi with Islamic terrorism. Truth be told, the Egyptian foreign intelligence service isn't particularly good and, like the rest of the Arab world's foreign intelligence agencies, was no more adept, and certainly less interested, than the CIA in gutting al Qaeda before 9/11. And Egypt's internal counterterrorist tactics, though less frightful than the Algerians', have been brutal. Mubarak, like the Algerian generals, scared many of his worst militants into moving abroad, where they played essential roles in developing the anti-Western creed of Osama bin Laden. Mubarak's counterterrorist strategy has, of course, another anti-American corollary. Always concerned about its own legitimacy, the regime has tolerated, if not explicitly encouraged, virulent anti-Americanism in the press, media, universities, and religious schools as an escape valve for its citizenry's numerous frustrations. What is it then in Mubarak's Egypt that we are to study admiringly?

As Johns Hopkins professor Fouad Ajami has pointed out, President Mubarak quickly saw the Grand Canyon-sized bilateral possibilities in Secretary Powell's remarks. "There is no doubt that the events of September 11 created a new concept of democracy," Mubarak appreciatively replied. "Democracy" Egyptian style doesn't encompass free elections or political freedom. Indeed, President Mubarak and his minions saw individual liberty as a root cause of September 11: In Egypt, radical Muslims go to jail by the thousand; they don't get to fly back and forth to and from Europe.

Mubarak and the Algerian generals know—and so does Secretary Powell—that the United States isn't going to pressure them into any democratic experiment. One is struck by the voluntary nature of the Bush administration's democratic aspirations for the Muslim world. We would like Muslims to be free, but we want Muslim dictators through a process of self-examination to discover for themselves the blessings of democracy for their people. Though history isn't littered with dictators reborn as democrats, the State Department appears to be hoping that the awful state of affairs in the Middle East—poverty, poor schooling, a sense of inferiority vis-à-vis the West and East Asia—will somehow scare repressive regimes into diminishing their hold on power.

Secretary Powell summed up the ethos of our new pro-democracy initiative in an interview with the Arabic newspaper *al-Quds al-Arabi*.

> So we are not dictating [about democracy in Saudi Arabia]. We are not telling them how they should do it or who they should look like. . . . Each [of our friends in the Middle East] has its own system, each will have to make its own judgment as to whether it will change, how fast it will change, and we hope that we can help influence them as to how change comes about and what change might be better. . . . [But] there is no suggestion of regime change. . . . This is an initiative to help . . . governments who are inclined toward change.

As for what occurs to the Middle East's rulers when they read such comments by our diplomats, they probably ruminate on how good it is to rule in an age when non-Muslims show such deference to the culture and traditions—many of which arrived via London, Paris, and Berlin—that give them unchallenged dominion. They might also think that, next time the State Department issues a human-rights report about their countries, there should be two entries under state-sponsored torture: those "interrogated" strictly for domestic reasons, and those "interrogated" at America's request.

We can also see elsewhere the limitations of America's concern for democracy in the Muslim world. Radio Free Europe/Radio Liberty's surrogate Persian service has ceased to exist. Radio Farda (Radio "Tomorrow"), which is essentially an American pop-music station, has replaced it. Though RFE/RL's service was hardly an aggressive on-the-ground radio in the tradition of RFE/RL's Cold War era Eastern European services, the Persian service had developed an important following among student dissidents, who are the cutting edge of freedom in clerical Iran. Though the "independent" Board of Broadcasting Governors oversees America's foreign-language broadcasting, the bureaucratic truth is that if senior voices at the State Department and the National Security Council had wanted to, they could have prevented the death of Radio Liberty, which is how the Persian service was known in Iran.

It is worthwhile to remember that the State Department opposed the creation of RFE/RL's Persian service

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in 1998. It was deemed an unfriendly, provocative signal to send to Tehran, which seemed to be blossoming with progressive clerics under the tutelage of President Mohammad Khatami. Today, Secretary Powell and Deputy Secretary Armitage have certainly not echoed President Bush's support of the student demonstrators. For anyone interested in the spread of democracy in the Muslim Middle East, Iran is easily the most important country. Yet, with the occasional exception of the president, the administration remains quiet. It appears that a wholly misplaced fear of tarnishing the students' fight with an endorsement from the Great Satan is diminishing the chances that Iran could become a democratic bellwether for the region. Oddly, America's willingness to help those struggling for individual liberty seems inversely proportional to the willingness of Muslims to fight. As the *Washington Post*'s Anne Applebaum recently remarked, it's a good thing Ronald Reagan didn't think this way about Communist Poland.

The Muslims in the Middle East may still, however, luck out. There is a chance that war in Iraq and the creation of a functioning Iraqi democracy could shake the region into a more liberal order. The effort to build an Iraqi democracy could also prompt the United States to back democracy less timidly elsewhere. It is also possible that another massive al Qaeda attack inside the United States could reinforce the wake-up call that we received on 9/11 about the politically dysfunctional nature of the Middle East. Such an understanding, of course, will collide with Washington's increasing counterterrorist liaison relationships with undemocratic but "pro-American" regimes.

The administration, then, is wavering on the spread of democracy in the Middle East. We may need the miscalculations of Saddam Hussein and the bravery of Iran's students to get the American government to move decisively in the direction the president has claimed to endorse. ♦

Ole Miss in the Trent Lott Era

What did you do in the race war, Daddy?

BY RICHARD W. CARLSON

I WAS OFTEN BOTHERED about what happened to my gun during the James Meredith riots at Ole Miss. Quite a few people were shot during that crazed Sunday night in the fall of 1962. Two civilians died, and 168 U.S. marshals were wounded when bullets flew into the Lyceum Building. No one ever knew who was responsible. I always hoped my gun didn't play a part. I found out almost 30 years later.

I returned for my second year at Ole Miss in late September 1962, a New Englander straight off a summer job as a cop in Ocean City, Maryland. I hitchhiked from the Maryland shore to Oxford, Mississippi, in a day and night, catching a ride from two libidinous honeymooners. (I drove while they made out furiously in the back seat.) I never gave a serious thought to my police gun and a box of ammo sitting next to me in my sea bag. The country wasn't into liability yet. The pistol was big and old, but powerful—a .45 caliber Webley six-shot revolver—and I was used to toting it around.

When I arrived, Ole Miss was thrumming with excitement. James Meredith was due on campus in a few days. Everyone knew who he was: a 29-year-old military veteran, a Negro who had been turned down for enrollment by the university and governor the previous year because they didn't want Negroes, and who now had the support of the Kennedy administration. Bobby Kennedy and the U.S. Justice Department were planning to enroll Meredith by force.

I was a veteran, too. I had spent the previous year at Ole Miss under an NROTC program for enlisted sailors and Marines who'd graduated from the Naval Academy Prep School. So the South and its ways weren't an entirely new experience. Even so, Mississippi was in a cultural world pretty much of its own.

There were very few Yankees at Ole Miss that year, maybe a dozen or so undergraduates. I knew them all. Five of us lived in a farmhouse we rented about a mile from school. We had all moved from our dorms, in part because of hostility from some of the Ole Miss men.

They didn't like Yankees. Their fathers and grandfathers didn't like them either. Yankees had done bad things to the ancestors they felt a direct connection to even after all those years. Yankees had burned this town, and those houses, and had raped some of the women. They could show you where the houses had been and they knew some of the women's names.

Yankees still stood out 100 years later at Ole Miss. They dressed funny, wearing Bermuda shorts and no ties and no socks with those stupid loafers. And they were always trying to make moves on the women. Between the women and the no socks, there was a lot to hate about Yankees.

One of my roommates really drove them crazy. His name was Jim Murray, a shambling, sloppy, bear of a guy from Philadelphia. (He later wound up in San Francisco, where he became the guitarist for the Quicksilver Messenger Service.) Murray played the banjo. His repertoire consisted mainly of proletarian folk songs, crooning and strumming about the toils of Tom Mooney or Joe Hill and the Wobblies. He was a

Richard W. Carlson is a former U.S. ambassador who once ran the Voice of America and the Corporation for Public Broadcasting.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bit of a charlatan. The girls loved him.

Murray was plunking his banjo one night in his dorm room, warbling into a tape recorder so he could savor his own singing, when the window shattered. A bullet thudded into the wall near his head.

A lot of people didn't like Murray's singing, and I was one of them, but this seemed too serious a criticism. The bullet appeared to have come from an upperclassman's dorm. Murray had beaten a redneck senior silly the week before because the man kept ragging him about not wearing socks to class with his scuffy Bass Weejuns. Murray was lazy and laid back but he was also huge and very tough.

Soon after that, we rented the farmhouse for $60 a month. We took most of our meals on a neighboring dairy farm. The farmer was known to diners, friends, and relatives as, no kidding, Dirty Charlie. The name fit. Dirty Charlie looked like he never bathed and had crusted over. His wife was fat and cheery and a terrific cook.

Dinner was served at four. If you weren't on time the door was barred and you didn't eat. Charlie was dirty, but he was never late. You pulled up to the long kitchen table, with Mrs. Charlie's senile and toothless mom and a half-dozen grubby kids, and tucked in to bowls of chicken fried steak, gravy, plump fried chitterlings, sweet potatoes, turnips, collard greens, okra, pickled beets, corn bread, fresh butter and fresh milk and a deep-dish fruit pie for dessert—all this, with coffee, for exactly $1 each, cash, no checks.

You could feel trouble coming that fall. There was lots of talk about violence, and it seemed like a good idea to get rid of my gun. One afternoon I walked into Oxford with the revolver and ammo in a bag. I ran into Mr. John Faulkner along the way. His brother William, who could sometimes be seen driving through the town square in his red Nash rambler, had died late that summer. John was a writer, too, talented and accomplished, but of course completely overshadowed. I had gotten to know him the year before, because he hung out in the same restaurant where I studied at night.

I told Mr. Faulkner I had a gun and wanted to turn it in to the police for safekeeping. Let me take a look at it, he said. I handed it to him, and he spun the chamber. "Good idea to give it to Tatum, boy," is what he said, referring to the police chief. "That is a real horse pistol." He sighted it down the sidewalk and dry fired it.

I walked on to the police station on the square. It was almost empty. A police dog, a German shepherd, was tied to a desk. It growled at me so I skirted it and went back to a desk where I saw a police radio. What the hell. I got on it, introduced myself to whoever was listening and said, I've got a gun, I'd like a policeman to come back to the station. I want to turn it in.

If you did something like that now, you'd have the SWAT team dressed up like a Panzer Division outside. Even then, the Oxford police were not in love with my act.

A voice boomed out of a speaker. "Who is that?" I had already given my name once, so I repeated it. Stay right there, said the voice.

A few minutes later, I heard a car skid to a stop outside. Burns Tatum, large and red-faced, barreled through the door. He was annoyed at my using the radio, but since I'd been a cop for the summer, nothing fazed me. I showed him the pistol and asked to put it in his safe. No way, he said. Take it back to school. It's not my problem.

I walked on back to my old dorm. I wandered around and asked if anyone would like to buy a gun. A fellow named Louis Fred Fredericks, a plump, friendly sophomore who'd lived on my floor the year before, came out in his skivvies and asked to look at it. I'll take it, he said. For $25 I threw in the bullets. When I last saw him, he was spinning the chamber and dry firing out the window.

When the flag went up at Ole Miss a couple of days later, and things fell apart, I had a brief image in my head of Fred dry-firing that pistol out the window, maybe even wet-firing it. I was sure he was too kind a fellow to hurt anyone. At least I was pretty sure.

Wisps of smoke were still rising from charred vehicles when one of my Yankee roommates and I collected the remainder of our out-of-state tuition ($400 for the semester) and withdrew from school. Airborne troops in armored jeeps were patrolling the campus as we pulled out in his 1960 T-bird on the way to Route 66 and on to California. I stayed in California for the next 23 years. I never saw the old Webley again.

I certainly thought about it, though, and over the years I was a reporter, I thought occasionally about Paul Guihard, the young French newsman who was shot to death—"assailant unknown"—outside a dorm minutes after the riot started, and about the man who wandered on campus to see what was going on and took a bullet in the head from an anonymous shooter. As I became more responsible, I sometimes thought, please God, don't let that have been my gun in any of those shootings. I didn't think Fred would shoot anyone, but he might have given the gun to someone who would—the kind of man who, driven to the brink by sockless Yankees in Bermuda shorts, might have been pushed over the edge by the one black guy who wanted to go to his school.

By 1990 I was working in Washington. One morning, my secretary said, "You have a call from a man who says he is a friend from Mississippi. He has a deep accent." I don't have any male friends from Mississippi, I thought. It was Louis Fred Fredericks. He was now living nearby in Maryland, had seen my name in the paper, and wanted to have lunch.

"So tell me," I finally said to Fred, as we sat at the Occidental bar next to the Willard Hotel. "What did you ever do with that gun I sold you back when James Meredith came to school?"

"You know," he said, "I still have it, the Webley. . . . One of my kids dragged it out of a box a few years ago."

"Fred, where was the gun when all those shootings took place?"

"Oh," he said, "I took it home to Clarksdale that weekend. I left it at my parents' house so nothing bad would happen with it. After all these years, I've never even fired it once." ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Book of James

William James's lectures on religion, a century later. BY JOSEPH LOCONTE

A CENTURY AGO, the psychologist, philosopher, and agnostic William James delivered the prestigious Gifford Lectures at the University of Edinburgh. His 20 addresses were published in 1902 as *The Varieties of Religious Experience*, which soon became one of the most widely read works on religious belief by an American. Before James, no scholar had devoted such attention to the process—and the effects—of conversion. His basic argument: There is something authentic and profoundly beneficial about religious belief. "The best fruits of religious experience are the best things that history has to show," he wrote. "The highest flights of charity, devotion, trust, patience, bravery to which the wings of human nature have spread themselves have been flown for religious ideals."

Coming from a devoted pragmatist, such observations rocked the secular academy. Orthodox religion, especially Christianity, had plenty of foes: Darwinists saw a natural world functioning without supernatural intervention. Empiricists denied hard evidence for belief existed. Historicism was eroding confidence in the reliability of the Bible. And even before Freud, psychologists were wondering if faith itself was the product of sexual desire or even a kind of pathology.

From this academic tower of Babel, James sounded a sober and penetrating defense of religious conviction. As professor of physiology at Harvard, he'd established the nation's first laboratory for experimental psychology. His lectures were based on years of investigation into the claims of religious believers. No scientist had entered more deeply or respectfully into the inner life of the faithful.

With a coolness that must have stunned his materially minded audience, James chastised those who used science as a shield for agnosticism. The scientific mind, he reasoned, fears believing something that may be false; the spiritual seeker longs for a reality that transcends science. Thus, scientific belief was no less a product of emotional commitment than religious belief. "Rationality does not lie on one side or the other," he wrote. "It is a contest between our fears and our hopes, and both the scientist and the religious believer take a gamble."

Numerous reflections on James's work have appeared this year, most notably a short book by philosopher Charles Taylor, *The Varieties of Religion Today*. All draw attention to James's preoccupation with individual experience. Liberals love to emphasize his disdain for traditional, institutionalized religion, what he called "the spirit of dogmatic dominion." Without a doubt, James angered orthodox believers by ignoring creeds and doctrines. Aware of how the Methodists valued both theology and "religion of the heart," James told a Harvard divinity professor, "You will class me as a Methodist, *minus* a Savior!"

Nevertheless, observers often misread the most provocative aspect of his work: his attention to the transformation undergone by individuals claiming an encounter with a fearsome, yet personal God. James recounts scores of examples in his book; at least a third of his lectures retell and analyze stories of conversion and saintliness. In most of the life histories he examines, it seems what did the trick was the old-time gospel religion.

We learn about David Brainerd, an early missionary to Native Americans ("My soul rejoiced with joy unspeakable, to see such a God"); Henry Alline, hymn-writer and leader of the Great Awakening in Nova Scotia ("The word of God . . . took hold of me with such power that it seemed to go through my whole soul"); English evangelist Billy Bray ("I was like a new man in a new world"); French Protestant Adolphe Monod ("My melancholy . . . had lost its sting. Hope had entered into my heart"); and S.H. Hadley, a drunk who helped found the Association of Gospel Rescue Missions ("I felt I was a free man, . . . Christ with all his brightness and power had come into my life").

James showed little patience for what he considered self-absorbed piety: He was most impressed by believers whose experience of God rescued them from destructive lives and launched them into acts of service. "To call to mind a succession of such examples," he wrote, "is to feel encouraged and uplifted and washed in better moral air."

Interestingly, it is social scientists who today are confirming James's finding. Columbia University researchers, for example, recently found that people who consider religion important are significantly less likely to abuse drugs. At the University of Pennsylvania, scholars reviewed nearly 800 studies of the relationship between faith and positive social outcomes. Their conclusion: Strong religious commitment is directly linked to greater social well-being—whether it's a decline in teen pregnancy, depression, or juvenile delinquency.

People who believe the Bible always have insisted that faith produces good works, that the true believer will "look after orphans and widows in their distress." In this, they have an ally in the skeptic William James. "St. Paul made our ancestors familiar with the idea that every soul is virtually sacred," he wrote. "The saints, with their extravagance of human tenderness, are the great torch-bearers of this belief, the tip of the wedge, the clearers of the darkness." In the end, it seems, James reached a generous judgment of religion—not in spite of his hard-nosed scholarship, but because of it. ♦

Joseph Loconte is a William E. Simon fellow at the Heritage Foundation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Last Battle of the Civil War

In 1865, a military tribunal convicted Dr. Samuel A. Mudd in the conspiracy to assassinate Abraham Lincoln. Was he guilty?

By Andrew Ferguson

I

One Friday this past November, without much to-do, the Circuit Court of Appeals for the District of Columbia dismissed the case of Dr. Samuel A. Mudd. The court's reasoning, what I could make of it, seemed highly technical. "Appellant's insurmountable problem is that his claim is not arguably within the zone of interests to be protected or regulated by the statute in question," the judges wrote. The ruling was rendered unanimously, and bloodlessly—though bloodlessness, in my opinion, is an odd tone to adopt in a case so heartfelt and long-lived as Dr. Mudd's. Having died in 1883, the doctor is no longer around to defend himself, and the case is showing its age, too, having begun with Mudd's conviction, 137 years ago, of aiding John Wilkes Booth in the conspiracy to murder Abraham Lincoln.

Samuel Mudd

In a brief item the next day, the *New York Times* noted the ruling's definitive quality, and issued, *Times*-like, a definitive ruling of its own: The court's decision, the paper said, "effectively ended the decades-long campaign of the descendants of Dr. Samuel A. Mudd to clear his name."

That didn't strike me as quite right either. Americans are famous for their disdain of history, as our history bears out, but no American has yet summoned the power to kill the case of Samuel Mudd. It has rattled around, in one form or another, in the courts and elsewhere, since the end of the Civil War. His family has worked hard to keep the case alive. This most recent attempt was the handiwork of Dr. Mudd's grandson, Dr. Richard D. Mudd, more commonly known among the family as Dr. Dick. He died this spring, Dr. Dick did, at the age of 101. He had spent most of his life, from the early 1920s onward, arguing his grandfather's innocence in newspapers and courtrooms, on radio and television, in film documentaries and before congressional committees. The family's work would not cease, he often said, until justice was done—until the same federal government that had convicted his grandfather admitted its mistake, and certified that this good man had had nothing to do with the most consequential crime in American history.

With Dr. Dick's death, the family duty has fallen to his son Tom. When I heard about the court's decision I called him up.

"The *Times* says this will put an end to your efforts," I said.

"Oh for heaven's sakes," he said. "We've had lots of peaks and valleys. A door opens up, and we say 'At last! Justice will be done!' And then it slams shut. Well, this door just slammed shut. But another one will open up again—somewhere, sooner or later. This is a very long story."

The story, as the Mudd family tells it, begins in the early morning hours of Saturday, April 15, 1865. Dr. Samuel A. Mudd lay sleeping in the back bedroom of his farmhouse in Charles County, Maryland, about twenty miles south of Washington, D.C., when he was awakened by two strangers clamoring at the front door. One of the men had a broken leg—the result, his companion said, of a tumble taken from his horse as they rode hard through the

Andrew Ferguson is a contributing editor to The Weekly Standard *and a columnist with Bloomberg News.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hulton Archive by Getty Images

The assassin flees from the rear of Ford's Theater.

rain on their way to Washington. The men seemed unduly excited, and Dr. Mudd was a cautious man, but after some hesitation he helped the injured rider across the threshold into his front parlor, where he laid him up on a settee, and did his best to splint the leg.

Dr. Mudd took little note of the men's appearance: One was young and talkative, no more than 20, the other was older and wore whiskers. They slept the night in the upstairs guest room. After lunch the next day, while the older visitor rested in bed, Dr. Mudd and the young man canvassed the neighborhood for a carriage that could carry them the rest of the way to the capital. Without luck, the young man returned to the farm to gather up his friend and take their chances with their exhausted horses. Dr. Mudd rode on another four miles or so, to the nearby village of Bryantown, to visit patients and run errands.

He found the village in high panic, swarming with federal troops. A soldier told Mudd the president was dead, shot by a man named Booth the night before. Mudd returned to the farm in the late afternoon. By the time he got home the strangers were gone—or perhaps they were just leaving; the two accounts that Dr. Mudd later gave are unclear. But once they were gone he grew suspicious. The next morning, after church, he asked a cousin headed into town to tell the authorities about his mysterious visitors.

That was Sunday, April 16. On Tuesday morning a party of soldiers arrived to question Dr. Mudd. Two days later they returned, then again the next day. On Saturday they arrived without warning to take him to Washington, where he was charged with aiding and abetting Booth in his escape.

Booth died a few days later, chased down to the Virginia peninsula across the Potomac, shot by federal troops as he hobbled on his broken leg through a burning tobacco barn. His co-conspirators were gathered up. Among them was David Herold, the young man who'd ridden with Booth to Mudd's house that night. Before a tribunal of federal officers, hastily assembled in Washington, all eight of the accused were convicted, on one charge or another, after a month-long trial. Five were sentenced to hang, and did so a week after the trial's close, on July 7. Mudd and three others received a sentence of life at hard labor. Quickly and quietly they were shipped to Ft. Jefferson, a malarial compound thrown up on the Dry Tortugas, at the tail end of a Florida archipelago.

Suddenly fatherless, Mudd's family despaired. Union troops loitered about the farm for many months, scavenging food, menacing visitors, chasing off what few farmhands remained. Mrs. Mudd commenced a campaign on her husband's behalf—the same campaign that continues today. She pressed her case with politicians, journalists, and in time even the president. A month before leaving

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

office, in disgrace himself and with nothing to lose, Andrew Johnson pardoned the surviving conspirators. Mudd was released after four years in jail, but his conviction stood unexpunged in the record, and no compensation was ever offered for the damage already done. He returned to his wife and four children and to his devastated farm, disgraced and penniless, in feeble health, a broken man. His medical practice declined, and he dabbled halfheartedly in politics, and then at the early age of 49 he died, having lived long enough to hear the phrase "His name is Mudd" become a commonplace pejorative among his countrymen, and pleading his innocence to the end.

"He's an American Dreyfus," a historian said to me a few years ago, when I began to nose around the case of Dr. Mudd. Even at the time the label struck me as overripe, but down the generations the Mudd family has embraced it, especially Dr. Dick: for it fits so well the Mudds' sense of naked injustice, of an uncauterized wound. Dr. Dick's lifelong efforts to keep the case alive approached a climax of sorts in 1992. With the ingenuity that sometimes comes to desperate men, he decided to file a claim before the Military Records Review Board, an obscure commission languishing in a cobwebby corner of the army bureaucracy. He asked it to instruct the secretary of the Army to "correct the military record" by overturning the tribunal's conviction of his grandfather.

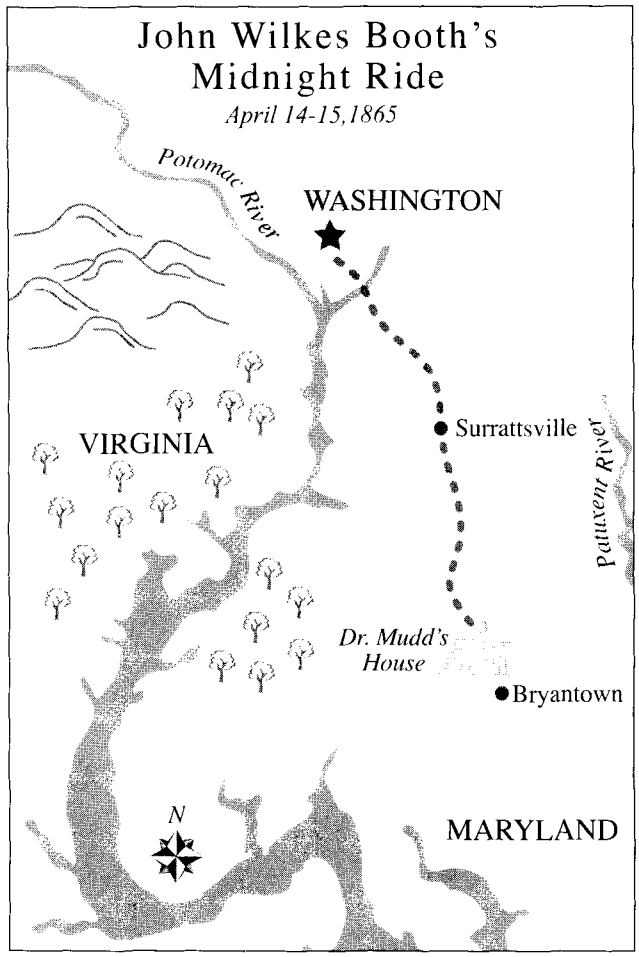
Unexpectedly, not to say miraculously, the board agreed with Dr. Dick. The secretary of the Army, however, did not. The jurisdictional tug of war between the board and the secretary brought Samuel Mudd's case once again to various federal courts, where it had already bounced around during the nineteenth century. Dr. Dick was technically the plaintiff in the case (a role Tom later assumed, following Dick's death), but no one doubted that it was his grandfather who was again on trial. Through a decade of appeals and remands and dilatory pleadings, the case wound its way at last to Courtroom 20 of the D.C. Circuit Court of Appeals, where on a sunny morning this past September, the judges sat to hear oral arguments.

The hearing did not go well, and to most of us who gathered there—including a dozen direct descendants of Sam Mudd, and another dozen friends, neighbors, and buffs—this fall's final ruling could not have come as a shock. Mudds, however, are not easily discouraged, as you may already have noticed. On the phone Tom Mudd spoke to me idly of appealing the decision to a higher panel of the appellate court, and then to the Supreme Court, of course, before he alighted on what really troubled him.

"You saw in the court's opinion where someone quotes that phrase, about the 'ravages of history'? This to them is an abstraction. But it's not abstract! Did the judges stop to ask, Who was hurt by the 'ravages of history'? Dr. Mudd was hurt. My family was hurt.

"But as my dad always said, and this is much more important, the cause of justice has been hurt. The conscience of the country has been hurt.

"So you ask, will this put an end to our efforts? No. I'm sorry, but this is bigger than our family."



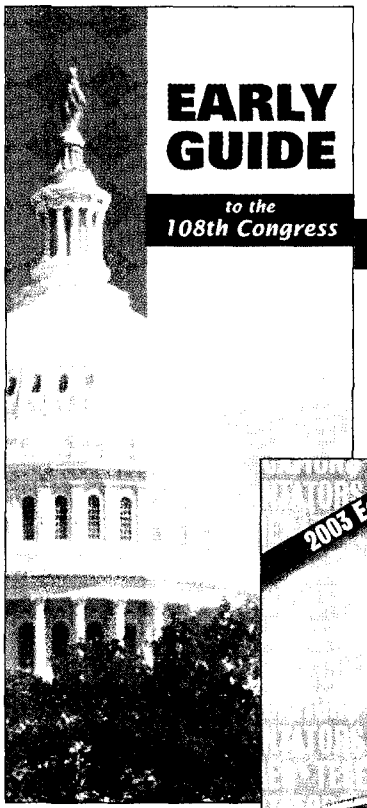
ARCHEOGRAPHICS / Karen Rasmussen

II

After putting a bullet into the back of Abraham Lincoln's head, John Wilkes Booth, a showboat even in homicide, took a theatrical leap from the presidential box at Ford's Theater. His bootspur snagged on bunting draped from the balustrade, and when he hit the floor, sidewise, his ankle snapped. He hobbled to a horse at the stage door and lashed it south, to the Navy Yard Bridge at the Eastern Branch of the Potomac River. A federal picket, enjoying the relaxed security that had come a few days before with Appomattox, asked his name. Booth announced himself with a flourish and was waved across. A mile or so into Maryland he met up as planned with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Get Connected, Be Connected, Stay C



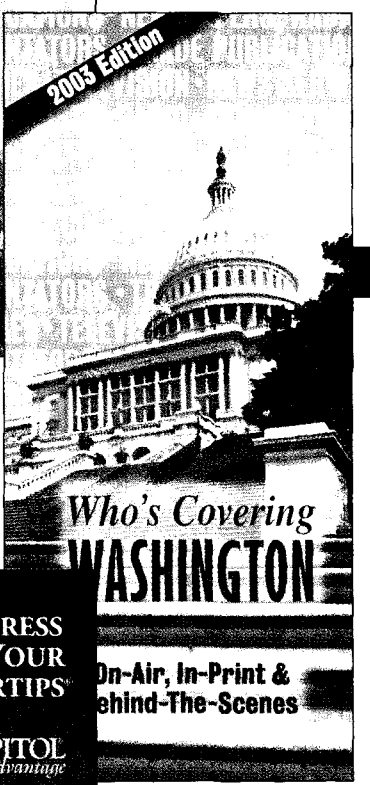
NOW THAT THE ELECTION IS OVER, *ensure that you'll have the tools to reach Congress and the media, today and throughout the coming session.*

GET CONNECTED...

Early Guide to the 108th Congress

The **Early Guide** provides you with key background information for every Member of the newly elected 108th Congress. Includes current photo; phone number, residence and birth date; education, previous profession and prior public service; winning percentage and term; tips on communicating with Congress; new district maps; useful Washington phone numbers and more!

SHIPS: November 2002



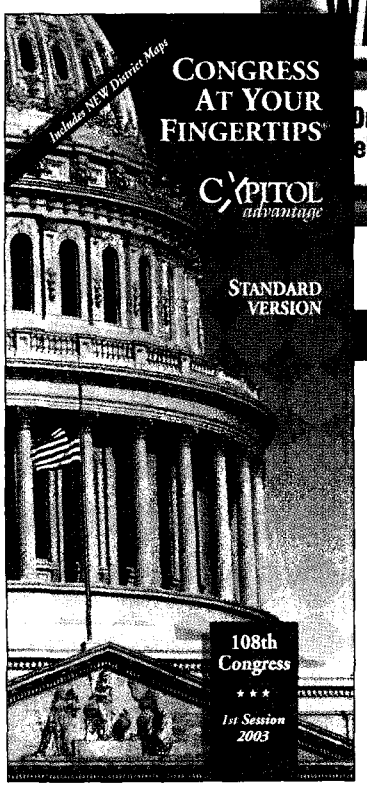
BE CONNECTED...

Who's Covering Washington

2003 EDITION

Who's Covering Washington puts the nation's major newspapers, television stations, radio programs, cable shows, syndicated columnists, opinion magazines and news syndicates at your fingertips. Listings of media organizations provide: phone and fax numbers, mailing addresses for press releases, Website info, e-mail addresses, assignment directors, editors, and more. Convenient 4"x 9" spiral-bound size.

SHIPS: January 2003



STAY CONNECTED...

Congress At Your Fingertips™

Organized by state, our most popular directory has everything you need to access Capitol Hill. Spiral-bound for easy use, it includes current member photos, room, phone and fax numbers, and website/e-mail addresses (where available); key staff; biographical data for each member; and district office information. This directory also features complete committee and subcommittee listings with room, phone, fax numbers and website addresses, plus majority and minority staff directors. Especially valuable are the **new district maps** in a 32-page bonus section, as well as a detailed, color fold-out 9"x 10" map of Capitol Hill.

SHIPS: March 2003

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nnected...

Promote Your Organization or Office with Personalized Directories...

All *three* books can be personalized. Promote your organization with a unique cover design incorporating its name, logo, etc. on the directory's front and back cover. Please call **703-550-9500** for details and special pricing.

Multiply Your Organization's Grassroots Efforts With CapWiz™!

Energize your organization's advocacy communications today with **CapWiz,** the original and leading Internet advocacy action tool that connects citizens to their elected officials simply, quickly, effectively – and affordably. CapWiz allows your organization to educate your members on your issues; identify their elected representatives at the state and federal level; and communicate their views to their lawmakers via targeted e-mail, letter, or fax, and much more. For more information, please contact a sales representative at **703-289-4670** or visit us at **www.capwiz.com/demo.**

PRICES*

Price per copy	Congress At Your Fingertips	Early Guide	Who's Covering Washington
Single	$14.95	$10.95	$16.95
2-5	$13.95	$10.25	$15.95
6-25	$12.95	$ 9.50	$14.95

Capitol Advantage Publishing offers many other tools for connecting with Congress. Please call a sales representative today for more info!

SPECIAL OFFER...

❑ **YES,** I need all three publications to connect me to Congress and the media for only $29.50!

❑ No, I don't need all three publications, but send me the following:

Qty.	*Product Description*	*Ships*	**Unit Price*	*Item Total*
	Early Guide to the 108th Congress, 1st Session	11/02		
	Who's Covering Washington - 2003 Edition	01/03		
	Congress At Your Fingertips	03/03		
			SUBTOTAL	
			VA residents/businesses, add 4.5% sales tax	
			SHIPPING	
			TOTAL DUE	

YOUR SHIPPING COST:**

1 copy	$3.00
2-5 copies	$4.00
6-25 copies	$5.50

***These shipping costs based on continental US*

SHIP TO:

Name _____

Company/Organization _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

PAYMENT

❑ Enclosed is a check made payable to *Capitol Advantage Publishing*

❑ Bill this order to:

❑ VISA ❑ MasterCard ❑ AMEX

(Payment processed upon receipt of order)

ACCOUNT NUMBER _____

EXPIRATION DATE _____

NAME ON CARD _____

SIGNATURE _____

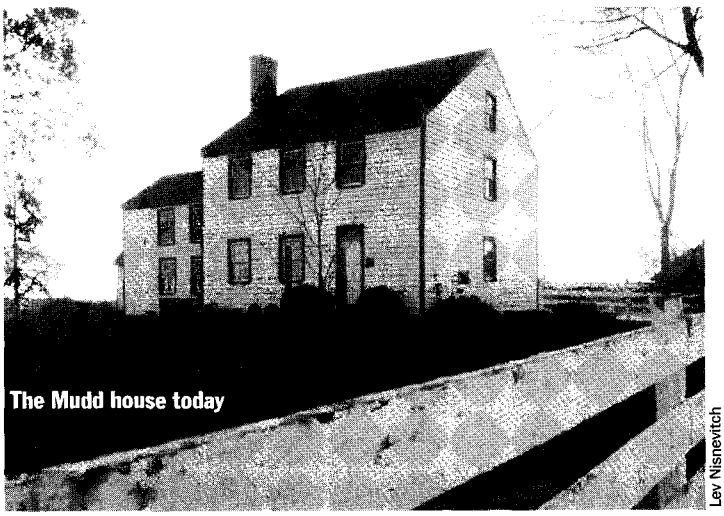
Fax credit card orders to:
703-339-2450

CAPITOL advantage PUBLISHING
PO Box 2018
Merrifield, VA 22116-2018
Phone: 703-550-9500
Toll-free: 877-827-3321
Web: capitoladvantage.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Herold, and together they rode ten miles to a tavern at a crossroads called Surratsville, where a package of whiskey and guns had been stashed. In the moonless dark, pelted by rain, they rode another twelve miles, to the farmhouse of Dr. Mudd.

Maryland was with the Union in the Civil War, but like many border states it partakes more of the spirit of the South than of the North, and this is nowhere more evident than in the claw-shaped region that dangles below Washington, much of which lies farther south than Richmond itself. Even today southern Maryland does not buzz with entrepreneurial vigor. The wildfire of Washington sprawl has largely passed it by. Surratt's Tavern, now a museum, squats among office parks and convenience stores, but go further south on Brandywine Road, into Charles County, as Booth did, and before long the "townehome communities" thin out and you can see the country pretty much as he would have known it.


The Mudd house today

Lev Nisnevitch

The farmhouse rests alone on a little rise a quarter mile back from the road. It's a museum now, too, but altogether unique along the well-traveled circuit of Civil War sights in the capital area. This is owing partly to its physical remoteness, several miles off the hard road, but other reasons enter in as well. It is privately run, staffed by direct and collateral descendants of Dr. Mudd, and by their friends and neighbors. Mudds still live on the farm across the road, and on the farms to the west and north. The museum keeps odd hours. The first time I came upon it, nearly fifteen years ago, it was closed, as it usually is; it opens for four and a half hours a day, three days a week, during some months of the year but not others.

A few months after my first unsuccessful visit, in 1988, I drove out there a second time, and was greeted at the screen door by an elderly woman in a linen bonnet. As she moved through the doorway the hem of her calico dress swayed around her ankles.

"How nice you could stop for a visit," she said, in a soft drawl. "Are you feeling all right this morning?"

When I told her I was, she said: "Good, because the doctor is not in at the moment."

She took me over the threshold that Booth had crossed. The curtains were drawn, but to my left, in the shade of the parlor, I saw the settee.

"My name is Louise Arehart," she said. "And Dr. Mudd is my grandpa."

I was at the time a Civil War buff, though a buff of low wattage, generally. On my weekend swings through the capital's historic sites I had met overeager docents pretending to be everyone from Stonewall Jackson to Clara Barton, and their cheerful refusal to break character had long since lost its power to give me the creeps. I said to Mrs. Arehart, "No kidding," and it was several minutes before I realized she wasn't fooling. She really was Dr. Mudd's granddaughter.

She was born (I learned much later) in 1917 to Dr. Mudd's son Samuel Jr. She grew up on the farm. By the time she married and moved away, the property had passed to one of her brothers, who seemed, as some Mudds do, indifferent to the family's legacy and the house's significance. Over the years the paint flaked off the shingles, and inside the floorboards swelled and buckled.

Sometime in the 1960s, at her house in La Plata a few miles from the farm, Mrs. Arehart began having trouble with a ghost. At odd moments she heard him knock at the door when no one was there. She heard his footsteps on the stairs and strange echoes in the hall. More than once she glimpsed him as he passed through the dining room or the kitchen garden. He wore a vest and old-fashioned blouse with the sleeves rolled up to his elbows.

Before too long, "she realized that the man was no stranger to her—he was her grandfather." (I'm quoting here from the book *Ghosts and Haunted Houses of Maryland.*) And it didn't take her long to read his intent. "Dr. Mudd had returned in order to prompt someone to save the farmhouse."

Mrs. Arehart—who died just last spring, a few months before Dr. Dick—was by all accounts a strong-willed woman. She persuaded her brother to give up the house. With the help of Dr. Dick, her first cousin, she persuaded the federal government to list it on the National Register of Historic Places. She persuaded the Maryland Land Trust to buy the house and the surrounding ten acres, and then

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

she persuaded the trust to turn it over to her. With money collected from relatives and friends, she founded the Dr. Samuel A. Mudd Society to oversee the property's restoration. It opened to the public in 1983.

The house's uniqueness was apparent as Mrs. Arehart led me from room to room. It lacked the professional sheen the U.S. Park Service routinely lacquers over the historic houses it controls; there were none of the over-produced set pieces and pristine exhibits, no piped-in sound effects or muted light shows. The house smelled of age. The gift shop was a tumbledown room in the back, with a handful of books, cloth dolls, and postcards stacked on makeshift shelves; Mrs. Arehart didn't trust electronic cash registers and used a metal box to keep her change. The most moving artifact in the house was the settee, which had been passed down through the family and given to Mrs. Arehart by Dr. Dick. Otherwise she had stuffed the house with family heirlooms dating from days long after Dr. Samuel Mudd had died: photographs of children and grandchildren, framed certificates and awards, turn-of-the-century sheet music, her mother's dinner china.

The docents were ladies from the neighborhood, whose own ancestors had been the friends and patients of Dr. Mudd. What they lacked in Park Service showmanship they made up for in family tendentiousness. In Dr. Mudd's house, a visitor heard Dr. Mudd's story as Dr. Mudd's family had told it for more than a century. Mrs. Arehart herself spoke of him with such vivid intimacy that you could easily see her, a toddler dangling on the old man's knee, listening intently as he recalled the long-ago night when the two strangers came to the door and changed the world forever. It was only later, when you did the math, that you realized he had been dead thirty years before she was born.

"We know now that Mr. Booth was wearing a false beard," Mrs. Arehart told me, leading me past the parlor, "as Grandpa said."

I knew the story of the beard; its ancient whiskers interweave to form the crux of the case. Without it Dr. Mudd's version of events becomes unsustainable. For it turns out that on that April night, when the commotion at the front door roused him from sleep, Dr. Mudd already knew John Wilkes Booth.

Unfortunately for Mudd, he let drop this vital fact only during his third interview with investigators, as they prepared to take him to Washington, and to jail. Within a day or two of Lincoln's murder, investigators had already learned that Booth was well familiar with Charles County. He had traveled there several times in the months leading up to the assassination. He was a famous man even then, and his good looks and theatrical air stirred interest wherever he went. At least twice, and probably more often, he attended church in Bryantown, as the celebrity guest of local Confederate sympathizers.

Dr. Mudd told investigators that one Sunday after services he had been introduced to Booth, who said he was looking to buy a horse. Mudd found him a bay in the neighborhood, then brought him home for supper and to spend the night in the upstairs bedroom, before the actor returned to Washington with the horse the next day. This inconsequential encounter, Mudd reckoned, took place in October 1864.

But why was Booth in Charles County in the first place? There are several possible answers. Back in Washington he had told friends he wanted to invest in farm property after the war. Almost certainly, however, he was enlisting recruits for what he called, with characteristic inaccuracy, a "grand and glorious scheme."

He hatched his idea sometime in the summer of 1864. He would kidnap Lincoln and take him to Richmond, where the president would be held as a hostage till the North resolved the war in the Confederacy's favor. Charles County offered the smoothest avenue of escape from Washington to the south. All fall and for much of the winter Booth elaborated his plan. He trolled the streets of Washington and the swamps of Charles County for collaborators, gathering about himself a motley of drunks, rovers, and part-time Confederate spies.

By April 1865, however, events had overwhelmed Booth's fantasy. Richmond fell and the cause was lost. The kidnap plot turned to murder.

The beard, Mrs. Arehart said—as Mudds have for more than a century—the beard explained why her grandfather didn't recognize the stranger at the door. And as I heard her tell it in the house itself, climbing the creaky stairs that Booth had climbed and gripping the banister he had used to steady himself, the story struck me as plausible, almost.

I protested as kindly as I could.

Booth was in the house for twelve hours after the murder, I said. He'd spent the night here, had supper here, only months before. Wouldn't the doctor have recognized him at some point?

Mrs. Arehart looked stricken.

"You need to think about this very carefully," she said. "The man was an actor. Deception was his stock in trade. He was a master of make-up. Fooling people into thinking he was someone else is what Mr. Booth did for a living."

And yet . . . there was even more for investigators to learn about Dr. Mudd and Mr. Booth. After the doctor was arrested, they discovered that he and the actor had met on still another occasion. It was only a chance meeting, Mudd later explained, along Pennsylvania Avenue in Washing-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ton, shortly before Christmas 1864. Inadvertent or not, it was a fateful encounter. As they chatted on the street amid the scrum of holiday shoppers, Mudd introduced Booth to John Surratt, whose family owned the tavern in Surrattsville. Surratt became Booth's chief accomplice in assembling manpower for the kidnapping plan.

For investigators, the discovery of the Surratt meeting confirmed every suspicion about Dr. Mudd.

As Mrs. Arehart told the story, however, awkward facts and implausible coincidences faded to nothing; they were overwhelmed, or rendered somehow insignificant, by the breadth of the family's subsequent suffering.

At the end of my tour—I seemed to be the only visitor that afternoon—we stood in the yard behind the house. Mrs. Arehart pointed to a field sloping away in the distance.

"There was a beautiful orchard there once, Grandmother always said. The soldiers came and took him away that spring morning and he didn't come back for four years. And the orchard just died away. But the soldiers stayed. They took everything. 'They took everything but the birds in the trees,' Grandmother said. She had four children to feed."

She gazed out to where the orchard once stood. I worried she might cry.

"Well," she said, brightening suddenly, "you might want to visit our gift shop." And with a little clap of her weathered hands, the tour was over.

She followed me back into the house.

"You asked about the beard," she said. My apostasy rankled her. "Please recall this visit transpired by lamplight. We know Mr. Booth kept his face turned to the wall. This is clear from both Grandmother's account and from Grandpa. And of course Mr. Booth wore a shawl."

She lifted both palms to her chin.

"Pulled up like this. Across his face."

III

I don't have any hard data on this, of course, but other buffs I've talked to agree with me: Most people who've heard of Dr. Mudd seem to accept the family's version of events—that harrowing story of a gentle country doctor who responded in the dead of night to a stranger's plea, and who saw his kindness repaid by a vengeful government and a hysterical public with prison, penury, a ruined reputation, a life sunk in disgrace. His descendants, and Dr. Dick especially, have worked hard to fix this story in the public imagination.

Dr. Dick's first great success came in 1927, when he convinced the most influential magazine of the day, the *Saturday Evening Post*, to run an outraged account of Dr. Mudd's imprisonment. From then to now, popular interest has stayed at a steady simmer. By Dr. Dick's own accounting, there have been more than a dozen dramatizations on radio and television, and at least as many documentary specials. In 1936, the great moviemaker John Ford directed *The Prisoner of Shark Island*, a soupy rendering of *The Life of Dr. Samuel A. Mudd*, a biographical sketch written by Dr. Mudd's daughter Nettie, which was pretty soupy to begin with. ("Here," Nettie wrote of antebellum farm life in Charles County, "may have been seen more than a hundred slaves, who made the evenings merry with song, and who would say of their white friends, after they passed from earth, 'God bless my old Marse and Miss; I hope dey is in heaven.'")

"I remember Aunt Nettie traveled out to Hollywood to be an adviser on the picture, and the family was so excited," Mary Mudd McHale, Dr. Dick's daughter, told me one morning last summer. We were sitting on her back porch in Prince George's County, ten miles up the road from the farm.

Mrs. McHale said: "With a big Hollywood movie, Dad thought here, finally, this will be the real turning point."

It wasn't—the movie was only a modest commercial success—but Dr. Dick soldiered on. "He was tireless," Mrs. McHale said, understating the case. For nearly 80 years he searched for that elusive final turning point. He swamped legislators with letters about his grandfather. He petitioned President Eisenhower for a plaque on Dr. Mudd's cell at Fort Jefferson, and under presidential pressure the Park Service eventually relented. He lobbied the Post Office for a Dr. Mudd stamp. When a new bridge opened across the Potomac in the 1940s, at the site where Booth had ridden into southern Maryland, he pleaded with Congress to name it after his grandfather—who was, after all, the man Booth was crossing the river to see. He compiled and published himself a family genealogy—"as a way of restoring family pride," Mrs. McHale said—that runs to 1,800 pages of agate type and weighs eleven pounds. From his home in Michigan, where he worked as a staff doctor for General Motors, he traveled constantly, with handmade flip charts and diagrams, to give his speech about the Mudd case to Rotary Clubs, elementary schools, chambers of commerce—any civic group that would pay expenses. He gave the first of these presentations in the mid-1920s, the last in 1997.

There has been no turning point, yet, and Dr. Mudd's conviction still stands, but at last count seven state legislatures have issued proclamations declaring his innocence; so has the American Medical Association. More than three dozen congressmen and senators have offered statements on his behalf, and most of these legislators, at one time or

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

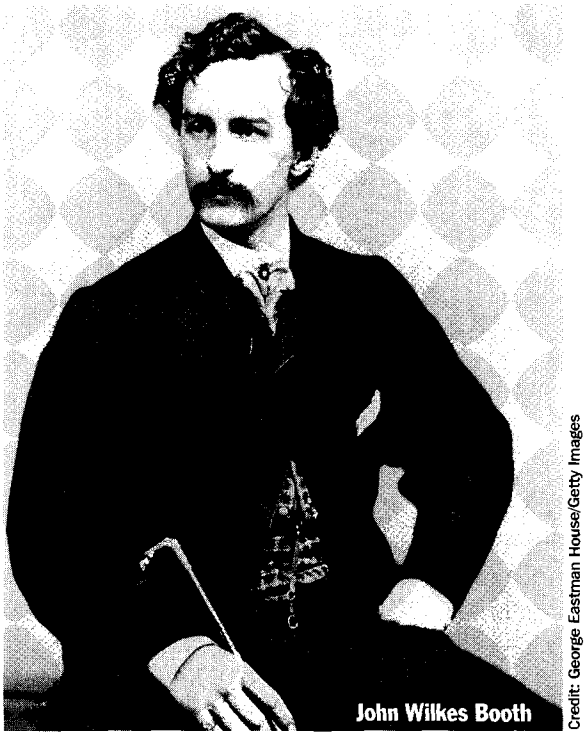
another, have lobbied the president to do the same. In 1979, President Carter released a letter expressing his "personal opinion" that the military tribunal's conviction of the doctor was illegitimate. Eight years later, Dr. Dick got a letter from another president.

"I have investigated the situation in regard to your grandfather, Dr. Samuel Alexander Mudd," Ronald Reagan wrote. "Believe me, I'm truly sorry I can do nothing to help you in your long crusade. In my efforts to help, I came to believe as you do that Dr. Samuel Mudd was indeed innocent of any wrongdoing."

Here, at least, was one old moviegoer who remembered *The Prisoner of Shark Island*.

I asked Mrs. McHale about the source of Dr. Dick's energy, and she began telling me about his childhood. Dr. Dick was the son of Thomas Mudd. Thomas was 4 years old when the soldiers came to take his father. The family says Thomas Mudd lived a melancholy life that cast lingering shadows across the lives of his children.

"Thomas Mudd was the first of Dr. Mudd's children to leave Charles County," Mrs. McHale told me. "I think he felt he just had to get away from the farm, from that unhappiness, those memories. But he couldn't. He moved to Anacostia, up the road here. Dad told me the house was always dark when he was growing up. There was never any laughter. They never celebrated holidays or birthdays."


John Wilkes Booth

Credit: George Eastman House/Getty Images

One time, in a barbershop in Anacostia, Thomas Mudd came across an engraving of the Lincoln conspirators hanging on the wall. Without a word he put his fist through it, then left the shop and never returned.

"Thomas Mudd never once mentioned Dr. Samuel Mudd or the trial to Dad or any of his other children," Mrs. McHale said. "But when he was a teenager, Dad came across Aunt Nettie's book. He saw the story of what happened to this family, and it suddenly made sense. It was clear to Dad that his own father's unhappiness—Thomas was an alcoholic and so on—all this was traced to what happened to Dr. Mudd."

Mrs. McHale swept the table in front of her with the flat of her hand, as though clearing crumbs.

"And Dad just vowed to set it right. He had to do it, for his father and his grandfather. It was his mission to remove this stain. How could setting a stranger's broken leg get a doctor thrown in prison and cause all this unhappiness? He just couldn't understand it. He wanted to see justice done. We still do."

People are drawn to the story of Dr. Mudd's innocence for understandable reasons. It is far more compelling than the alternative, for one thing. If the government, after relatively sober deliberation, convicted Dr. Mudd with good cause and punished him justly, the story loses its grandeur and pathos. Edward Steers, author of two well-received books on the Lincoln assassination, told me he once asked a newspaper editor why his paper still ran occasional stories about the Mudd case, with the invariable assumption that the doctor had been railroaded.

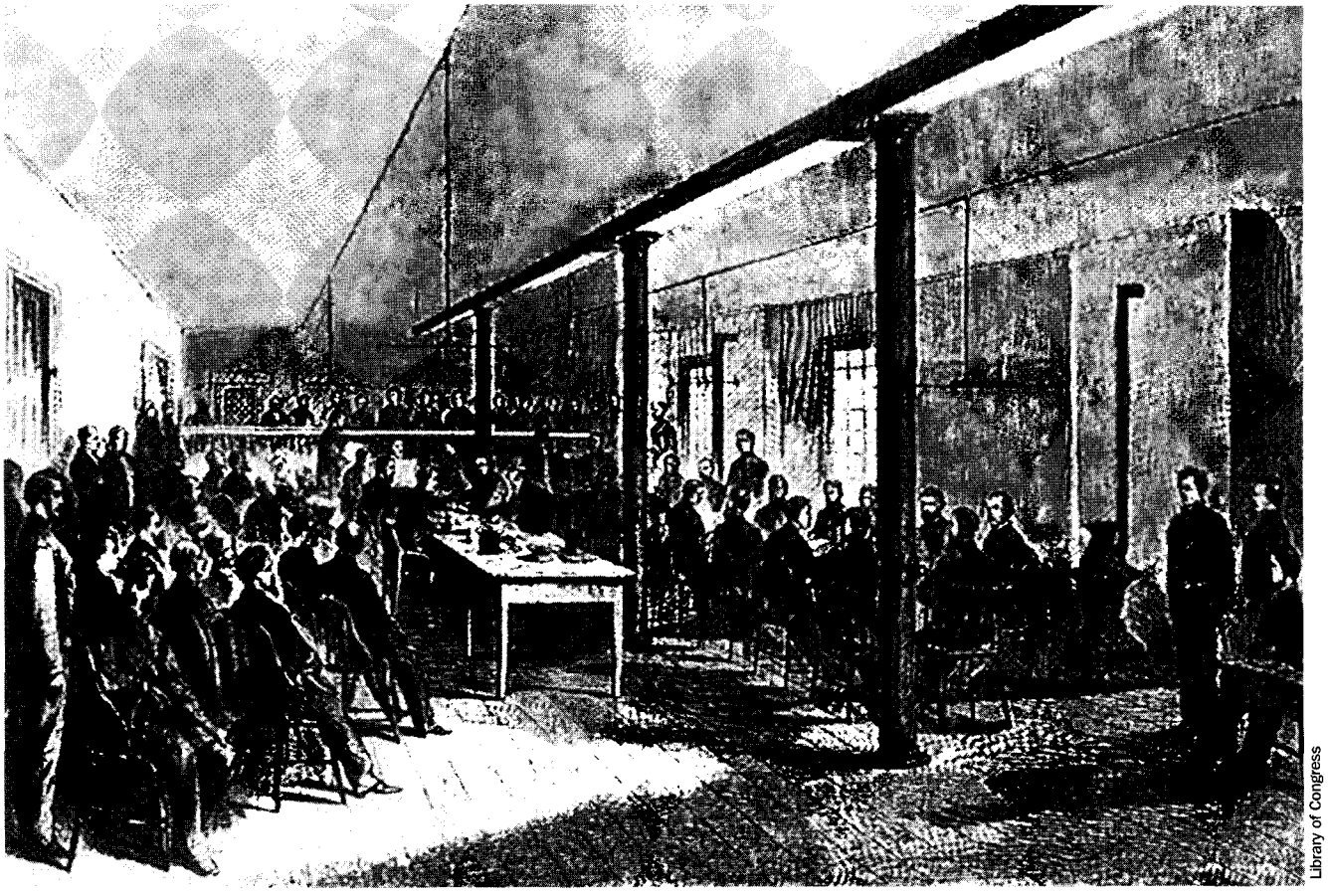
"The editor said to me, 'An innocent Dr. Mudd—great story. A guilty Dr. Mudd—no story.'

"Liberals like Dr. Mudd because he's a victim," Steers said. "Conservatives like him because he's a victim of a ruthless big government."

Few qualified observers have ever bothered to make the opposite case. Dr. Dick, Mrs. Arehart, and Dr. Mudd's other defenders have had the field largely to themselves. Of the scores of books published about the assassination, no more than a handful have been written by competent and disinterested historians. The story of Lincoln's murder, the conspirators who brought it about, their flight, capture, and trial, has been left by default to be told by folklorists, mythmakers, and cranks.

They were busy before Lincoln's body was cold. An early, and popular, theory held that the assassination was the work of the pope. (Mudd, Surratt, and Surratt's mother, who hanged as a conspirator, were Roman Catholic, and the younger Surratt fled the country to Rome, where he joined the papal Zouaves. Coincidence?) Another theory fingered Lincoln's son Robert; and another, Lincoln's widow Mary Todd. Unchallenged frauds and forgeries have long clouded the public record. Before the century was out, several men had stepped forward boldly to reveal them-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Library of Congress

The trial of the conspirators. The accused are at the far end of the courtroom.

selves as the real John Wilkes Booth—older, wiser, and still bearing singe marks from that fire in the tobacco barn. Some of these men received respectful treatment in books and the press, and made a nice living.

Secretary of War Edwin Stanton, who oversaw the arrest of the conspirators and their trial, considered Booth and the others mere instruments of a much vaster conspiracy reaching back to Jefferson Davis—a theory that has been revived in recent years and earned, with appropriate adjustments, several non-lunatic adherents. In time, however, Stanton too became the object of conspiratorial speculators. In the 1930s, a retired chemist from Chicago named Otto Eisenschiml got the then-original idea of sifting through the physical evidence and actually reading the transcript of the military tribunal, which for sixty years had lain dusty and undisturbed in a cubby of the National Archives. He published his findings in 1937, in a dramatic work of popular history called *Why Was Lincoln Murdered?* Eisenschiml said the evidence pointed in one direction: Stanton himself had ordered Lincoln's murder, framed the vain and dipsomaniacal Booth, and set up a sham trial for his hapless "co-conspirators," including the gentle country doctor from Charles County.

As a historian, Eisenschiml was a marvelous chemist, transmuting half-truths, scraps of random evidence, and outright fabrications into a seemingly suggestive case for Stanton's guilt. *Why Was Lincoln Murdered?* became an international bestseller and easily the most influential book ever written about the assassination, spinning off an industry of amateur sleuths keen to elaborate Eisenschiml's thesis.

And then one day, shortly after World War II, a man named James O. Hall picked up a copy of *Why Was Lincoln Murdered?*

"I started to read it," he told me not long ago, "and I couldn't believe what I was reading. I thought, 'Good God, this is the worst criminal investigation I've ever heard of.' I couldn't believe the government could have been as incompetent as Eisenschiml said. So I thought I'd poke around a bit on my own."

Not counting his arrest, trial, and imprisonment, this was the worst thing that ever happened to Dr. Mudd and his family.

IV

James O. Hall had spent the war as a criminal investigator in the European theater, policing allied forces. After mustering out, he took a job as an investigator for the Department of Labor, and pursued his fascination with Lincoln's murder in his off hours. When he retired, in the late 1960s, he devoted most of his time to reconstructing the military's original investigation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Widowed for several years, Hall is 90 now and lives alone in a high-rise apartment in McLean, a Northern Virginia suburb. He gets around by wheelchair. But he still receives occasional visitors who know his reputation as (in Edward Steers's words) "the man who knows more about the assassination than anyone who has ever lived, including the conspirators themselves." The history writer Doris Kearns Goodwin, working on her own Lincoln book, dropped by not long ago, as did Michael Beschloss, another historian at Jim Lehrer U.

When I first rang him up last summer and told him I'd like to come see him, Hall said, "Let's just chat awhile," and after a few minutes I got the idea he was quizzing me.

"You know about the visit with Harbin at the Bryantown Inn, I suppose," he said.

I didn't, but I mumbled strategically.

"That was in December," he said. "Before the assassination."

"Sure."

"Why don't you do some more research," he said. "Then we can talk some more. I get reporters calling me about Dr. Mudd. I try to lay everything out for them. I show them what the evidence is. They never use it. They just want to show that Mudd was innocent, you see. It makes a better story for them, I suppose.

"Go down to the Surratt House," he said. "Poke around."

I did as I was told. The Surratt House has a small library and several cabinets full of miscellaneous files, along with microfilm of the trial transcript, which runs to many thousands of pages. I spent a couple afternoons down there reading through them and talking to Laurie Verge, the director of the museum. When I called Hall back, a few weeks later, I made a knowing reference to discrepancies between the first statement Mudd gave to authorities and the second. I mentioned, offhandedly, the Harbin visit to the Bryantown Inn.

"Come on over after lunch tomorrow," he said.

Hall keeps an office in a spare bedroom, and the day I visited him it was flooded in midday sunlight. Running the length of one wall is a line of metal cabinets containing his files—fifty years of original research into every figure even remotely associated with the murder or its aftermath. For Hall, Dr. Mudd has always been a figure of special interest.

"I don't know that I ever believed completely that Dr. Mudd was innocent," he told me. "But so many people thought he was set up, and I was open to the idea. The men who questioned him after the assassination were amateurs. They didn't ask a lot of questions they should have asked. I thought, well, all right, I'll ask them myself.

"And you know what? He was in it up to his eyeballs."

The case against Dr. Mudd, as a buff can piece it together today, has been obscured by the actual evidence the military presented against him in a sweltering courtroom during the spring and summer of 1865. All in all, Hall told me, the military investigators did a "pretty good" job in their inquiry, given the public's bloodlust and the demands pressing in on them to bring conspirators, any conspirators, to justice. The dragnet they cast was vast and indiscriminate; in the days after the murder, more than 300 suspects were taken into custody. And they acted quickly in assembling the tribunal, perhaps hastily.

At the trial, Dr. Mudd cut a conspicuous figure, well-dressed and self-composed, aloof in manner and distant in appearance from the slouching ragamuffins who were his supposed co-conspirators. None of the accused testified on his own behalf, in keeping with established criminal procedures of the time. And the witnesses who did testify against Mudd performed unevenly. One witness for the prosecution, who said he had seen the doctor with the conspirators in Washington that spring, admitted on cross-examination that he himself was "bordering on insanity." Two others, former slaves on the Mudd farm, were effectively discredited by multiple witnesses for the defense, and another undermined his own testimony by misremembering a crucial date.

The unreliability of these witnesses made it more difficult to establish what the military intended to prove: that Dr. Mudd was an active member of the Confederate underground in Charles County and had been involved in Booth's plot to kidnap Lincoln; that he had recognized Booth in treating his leg early that Saturday morning, and had known by midday following that Booth was Lincoln's assassin; that despite this knowledge he had helped the assassin and his accomplice Herold evade the federal troops on their way to the Potomac and to the safehouses of Virginia; that he had delayed reporting Booth's visit, and had lied to the officers about essential details when he did report it.

The nine men on the tribunal voted unanimously to convict Mudd; five voted to hang him, too, falling a single vote short of the two-thirds necessary for the death penalty. From his own written statements, given days apart in the week following Booth's visit, Mudd was self-evidently deceptive. He changed his story in critical ways—about when the two visitors had left his property Saturday afternoon (or was it evening?), about how much time he had spent with the man with the broken leg. He lied about how many times he had met Booth before the assassination. He said the two men had left his farm traveling west,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

toward the Washington road, which put the search party off their scent; investigators later learned the fugitives had traveled east and then south in an arc around the troops at Bryantown. And then, of course, there's the beard.

"A concoction!" Hall told me, leaning forward in his wheelchair, spitting the word out. After fifty years of thinking about it, he's still riled by the beard.

"That's the first tip investigators had that Dr. Mudd was lying," he said. "A false beard! Good God. Nearly a dozen people saw Booth after the assassination. He didn't try to hide his identity from any of them. He identified himself to the soldier at the Navy Yard Bridge, for heaven's sake. And then he put on the beard just for Dr. Mudd?

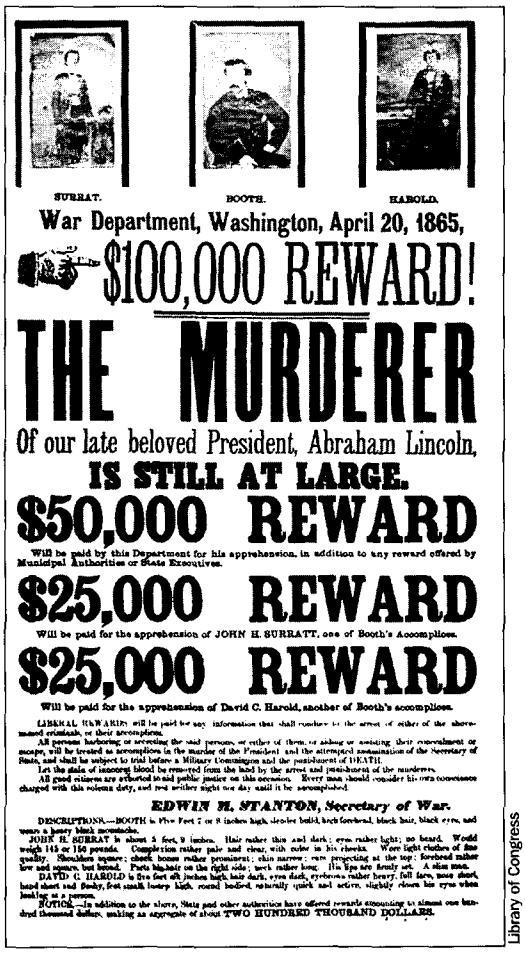
"That beard was invented for Dr. Mudd's benefit, not for Booth's. He had to invent it to get himself off the hook."

Notwithstanding the implausibility of Mudd's own version of events, and even discounting for the unreliable witnesses, the evidence presented at trial against Mudd for aiding and abetting Booth is spotty and entirely circumstantial—good enough for a military tribunal in wartime, maybe, but inadequate in a court of law under modern criminal procedure. From this distance, however, the point seems dryly academic. *Did prosecutors present evidence in court to prove beyond a reasonable doubt that Dr. Mudd was guilty?* is an interesting question, and the answer to it is no. An even more interesting question is: *Was he guilty?* And the answer, pretty much unavoidably, is yes. We know this now, thanks to evidence collected by James O. Hall.

Hall doesn't believe that Mudd knew of Lincoln's assassination in advance—it's unclear, in fact, how many of the kidnap conspirators did, since the idea of murder seems to have seized Booth only a few hours before he acted on it. But Hall's evidence does show that Mudd, like many landowners in his county, was an ardent secessionist, a member of the loose network of Confederate operatives and sympathizers active there, and an early recruit into Booth's kidnapping plot.

"The family like to say that if Booth hadn't broken his leg in the fall at Ford's Theater, the detectives never would have heard of Dr. Mudd," Hall said. "I'm sure you've heard them say that over and over. But it's not true."

Hall discovered that investigators first heard of Dr. Mudd in the early hours after the assassination, even before they had tracked Booth to Charles County. A letter found in a search of the assassin's hotel room led detectives to Samuel Arnold, a friend of Booth's living in Baltimore. They interviewed him there Saturday afternoon, even as Booth dozed in Dr. Mudd's upstairs bedroom, sixty miles to the south. Arnold told the detectives that in mid-1864 the actor had traveled to Montreal, a nesting place for Southern diplomats, exiles, and spies. There he met with agents of the Confederate secret service, and returned to Washington bearing letters of introduction to two Charles County doctors who might aid him in his work. One of the two doctors, Arnold told detectives, was named Mudd.


SURRATT. BOOTH. HAROLD.

War Department, Washington, April 20, 1865,

$100,000 REWARD!

THE MURDERER

Of our late beloved President, Abraham Lincoln,

IS STILL AT LARGE.

$50,000 REWARD

Will be paid by this Department for his apprehension, in addition to any reward offered by Municipal Authorities or State Executives.

$25,000 REWARD

Will be paid for the apprehension of JOHN H. SURRATT, one of Booth's Accomplices.

$25,000 REWARD

Will be paid for the apprehension of David C. Harold, another of Booth's accomplices.

LIBERAL REWARDS will be paid for any information that shall conduce to the arrest of either of the above-named criminals, or their accomplices.

All persons harboring or secreting the said persons, or either of them, or aiding or assisting their concealment or escape, will be treated as accomplices in the murder of the President and the attempted assassination of the Secretary of State, and shall be subject to trial before a Military Commission and the punishment of DEATH.

Let the stain of innocent blood be removed from the land by the arrest and punishment of the murderers.

All good citizens are exhorted to aid public justice on this occasion. Every man should consider his own conscience charged with this solemn duty, and rest neither night nor day until it be accomplished.

EDWIN M. STANTON, Secretary of War.

DESCRIPTIONS.—BOOTH is Five Feet 7 or 8 inches high, slender build, high forehead, black hair, black eyes, and wears a heavy black moustache.

JOHN H. SURRATT is about 5 feet, 9 inches. Hair rather thin and dark; eyes rather light; no beard. Would weigh 145 or 150 pounds. Complexion rather pale and clear, with color in his cheeks. Wore light clothes the night of the murder. Shoulders square; cheek bones rather prominent; chin narrow; nose projecting at the top; forehead rather low and narrow; hat behind. Parts his hair on the right side; neck rather long. His lips are firmly set. A slim man.

DAVID C. HAROLD is five feet six inches high, hair dark, eyes dark, eyebrows rather heavy, full face, nose short, head short and flaky, feet small, heavy legs, round bodied, naturally quick and active, slightly closes his eyes when looking at a person.

NOTICE.—In addition to the above, State and other authorities have offered rewards amounting to almost one hundred thousand dollars, making an aggregate of about TWO HUNDRED THOUSAND DOLLARS.

Library of Congress

Even more significant is a confession, long thought to be lost, given shortly after the assassination by one of Booth's acknowledged accomplices, George Atzerodt. In the 1970s a young researcher associated with the Surratt House found the document among some family papers. She turned it over to Hall, who was able to authenticate it.

"I am certain Dr. Mudd knew all about it," Atzerodt said in the confession. "Booth sent liquor and provisions for the trip with the President to Richmond [after the planned kidnapping], about two weeks before the murder, to Dr. Mudd's."

Stitching together a detailed time line from trial testimony, old hotel records, and miscellaneous accounts, Hall has established that Booth and Mudd met at least three times before the assassination, rather than on the single occasion Mudd originally admitted to. After his trial and sentencing, by all accounts overcome with despair, Mudd told two federal officers, in separate conversations, that the Christmas encounter with Booth in Washington was not by chance but by appointment. The purpose seems to have been to introduce Booth to Mudd's acquaintance

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Surratt, which brought into the kidnap plot Booth's most important recruit.

Sitting in his wheelchair beside his desk, Hall went through the evidence patiently and methodically. He asked me to fetch folders from the file cabinets and arrange them on the desk. From the bulging stacks he handed me weathered Xerox copies of ancient letters he'd collected, old Photostats of newspaper clippings he'd found long ago.

"Here's the meeting at the Bryantown Inn," he said, holding out a smudged slip of paper. It was a newspaper account of an interview with a Confederate spy named Thomas Harbin, clipped from the *Cincinnati Enquirer*, dated 1892. The interview had been conducted by the journalist George Alfred Townsend, one of the earliest and most reputable of Civil War researchers, who tracked Harbin down shortly before the old spy's death.

Harbin ran contraband goods and organized underground mail routes throughout Maryland and Virginia for most of the war. On April 16, not long after Booth left Mudd's house, Harbin helped guide the assassin through the swamps of southern Maryland and across the Potomac. Later he slipped through the dragnet himself, saving his own life. How Harbin had come to know Booth was, for a long while, unclear to assassination buffs; but in this newspaper account the journalist Townsend provided an answer.

"Harbin gave me all the particulars concerning Booth," Townsend wrote in his *Enquirer* article. "He told me that at the [Bryantown] tavern that Sunday [in December 1864], it was Dr. Mudd who introduced him to Booth, who wanted some private conversations. Booth then outlined a scheme for seizing Abraham Lincoln and delivering him up in Virginia."

Being a recruiter for the kidnap plot would have been enough to convict Mudd at the wartime tribunal. But did he recognize Booth at his doorstep, in the rain and the dark that Saturday morning? Only four people could ever have answered the question to a certainty. At the time of the trial, Booth was dead and Herold never spoke on the matter; and Dr. Mudd and his wife, of course, had both denied it. Years later, however, long after his pardon, the doctor spoke more freely.

One of Hall's most significant finds is also a testament to his tirelessness. In trying to reconstruct the crime and its investigation, he made himself expert in genealogy.

"I didn't learn it because I was interested in genealogy," he told me. "I did it because it was a good way to find things that had been lost."

His method was to trace the family tree of every figure from the assassination, find any living descendants, and write them in hopes that among family heirlooms they might be holding something worthwhile.

This is what he did with Samuel Cox Jr., who had been a neighbor and acquaintance of Dr. Mudd's, and a local Southern agitator. In the early 1970s Hall found a Cox great-grandson living in upstate New York.

"I wrote him," Hall told me, "and I said, 'Do you have anything that might be interesting to someone looking into the assassination?' And he said, 'Oh, I do believe I do!'"

Hall pointed to a book on the shelf behind his desk. I brought it down for him. The book was a biography of Booth, published in 1892. Samuel Cox Jr. had filled the margins of the book with his own notes, more than a century ago. Next to a page that mentions Dr. Mudd, Cox had written:

"In 1877, after Dr. Samuel A. Mudd's return from Dry Tortugas, and when he and myself were canvassing this county as the Democratic candidates for the legislature, he told me he knew Booth but casually." In his marginalia Cox offered a long and convoluted account of his talks with Mudd, but as I read through it the upshot was clear: Mudd said he recognized Booth that April night, and that the doctor had been shocked, early the next afternoon, to learn of the assassination, and of the assassin's identity. When he realized what Booth had done, Mudd returned to the farm and ordered him off his property, even as he assured him that he wouldn't turn him over to the federal troops.

Trying to re-create Mudd's state of mind as it must have been in those moments when he learned what his houseguest had done, you can feel a chill. Samuel Mudd was, as the family likes to say, just a country doctor, and probably scared to death; a father of four children, who had desultorily offered help in a kidnap scheme cooked up by a famous actor, in hopes perhaps of ending the war, and who suddenly, on a steamy Saturday afternoon, discovered himself implicated in the murder of a president. This is not the coldblooded conspirator the military tribunal strained to find guilty. But neither is he a man without fault, maliciously wronged and railroaded by a ruthless government —the image that his children and grandchildren and great grandchildren have clung to, so tenaciously, for so long.

I handed the book back to Hall. He said: "I remember a friend of mine saying to Dr. Richard Mudd once—this was privately. He said, 'Dr. Dick, your grandfather was a proud Confederate. He thought he was serving his country, and he got mixed up in something that turned out horrible. That's nothing to be ashamed of, necessarily. Why don't you all just admit it?'"

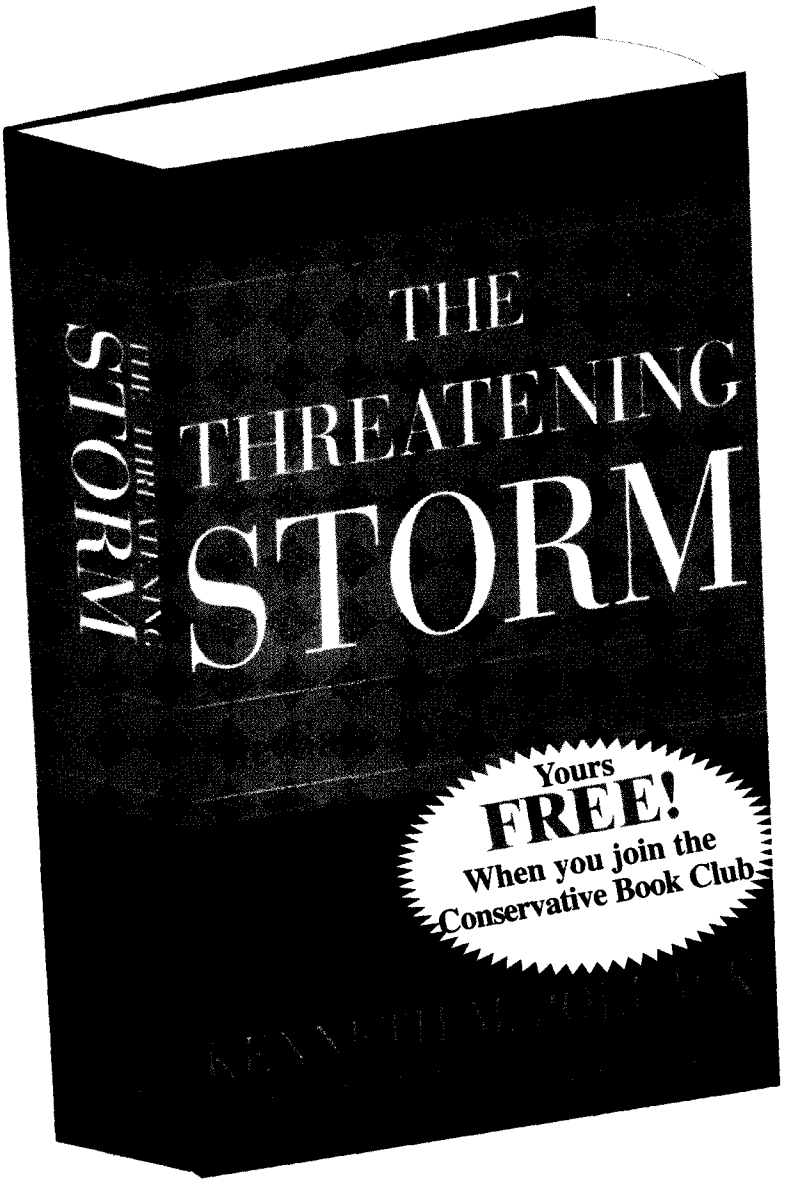
"And what did Dr. Dick say?" I asked.

"Oh we never got an answer out of him," Hall said. "There wasn't much he could say, I guess."

Hall reached out and ran a hand over the folders piled across his desk. "I understand it, I suppose," he said. "This was such a big thing in their lives. What could they say?" ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WHY WE MUST INVADE IRAQ



THE INSIDE STORY FROM A TOP CIA EXPERT...

"No one . . . will now be taken seriously on this issue who has not come to grips with the facts and arguments of ***The Threatening Storm****."*
– National Review

Not convinced that the Bush administration has made its case for war with Iraq?

Here is that case, compellingly made by a man who has served as the principal official responsible for implementing U.S. policy on Iraq.

In *The Threatening Storm*, Kenneth Pollack, a veteran of the CIA and the National Security Council, presents the evidence that convinced him that we must attack Iraq before Saddam Hussein spreads havoc throughout the world—and possibly even in our own country.

Drawing on his seven years of experience as the CIA's Persian Gulf analyst, Pollack offers a comprehensive overview of the problem of Iraq. He explains how Saddam went from being solidly in the U.S. camp to becoming one of America's most implacable enemies, painting a vivid picture of the true nature of the Iraqi state and society and the real extent of the threat Saddam poses to his region, our nation, and the world.

Benefits of Membership and How the Book Club Works

INSTANT SAVINGS! Join today and get *The Threatening Storm* absolutely FREE, plus shipping and handling. Then take up to one year to buy two more books at regular low Club prices (20-50% below retail). After you have paid for your books, your Membership can be ended by you or the Club. Plus you will also get the opportunities to buy from our list of Superbargain books that the Club regularly offers. These books are offered at 70-90% discounts!! (Sorry, Superbargain books don't count toward your book commitment)

SHOP AT HOME CONVENIENCE! Up to 15 times a year you will receive the Club Bulletin packed with the kind of books you will want to read and own. Each Bulletin will describe a Featured Selection chosen just for our Members. Also included are a number of alternate selections about politics, religion, history, home schooling, investing, and other areas of interest to conservatives.

CBC ONLINE! You can now read about and conveniently order CBC books from our website at www.conservativebookclub.com. Same discounts apply, of course. And, with regularly scheduled live chats with our authors and members-only bulletin board, you can keep up with the conservative community on a range of important issues.

100% SATISFACTION GUARANTEED! If you are not completely satisfied with any book, return it and receive a complete credit. Plus you will always have at least ten days to make your decision to receive the Featured Selection. If you ever have less than ten days, you simply return the book at Club expense for a full credit. One Membership per household please.

☑ YES! Please enroll me as a member of the Conservative Book Club under the terms outlined in this ad. Send *The Threatening Storm* for FREE and bill me just for the shipping and handling. I then need to buy only two additional books over the next year at regularly discounted Club prices (20-50% off retail).

C1079-AZ

Name _____

Address _____

City _____ State _____ Zip _____

Email _____

Fill out this coupon and mail to:

• Prices slightly higher in Canada • Membership subject to approval by the Conservative Book Club

CONSERVATIVE BOOK CLUB®

P.O. Box 97196, Washington, DC 20090-7196

1147 6114

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Getty Images

For the Madding Crowd

The rise of the bestselling novel

By Brian Murray

I'm not sure who started the rumor—it may have been Sam Goldwyn or, more probably, Marshall McLuhan—but somewhere in the middle of the twentieth century, people came to believe that books were doomed. The future belonged to film and television, it was assumed, the prevailing media in an increasingly visual age: Queen Victoria read books, but we will watch video screens.

It didn't exactly turn out that way. The book lives: Just visit your local Waterstone's or Borders or Barnes & Noble. Romances, mysteries, thrillers, sea stories, ghost tales: All of the old genres are alive and well, along with travel tales, illustrated novels, erotic novellas, and a seemingly endless supply of spare-no-details memoirs and autobiographies.

The very technology that was supposed to kill off the written word brought about this current profusion. Word processing, that elegant term, democratized writing by making it easier: Two decades ago, writing a book required endless retyping—a task nearly as tedious as chiseling in stone. Meanwhile the spread of college-sponsored writing programs did much to reduce authorship's ancient mystique.

Back in the 1980s *Esquire* magazine ran a cover showing a chimpanzee sitting at a keyboard above the caption: "Is anyone out there *not* writing a screenplay?" Substitute "memoir" for "screenplay" and the same cover could run today. As Clive Bloom reminds us in *Bestsellers*, his history of popular writing, more books "are consumed by a greater number of people who speak and read English than at any other time in history." We may no longer live in an age where print is "the supreme expressive form," as Bloom puts it, but "we do live in an age where print is more pervasive than ever and where authorship is very big business."

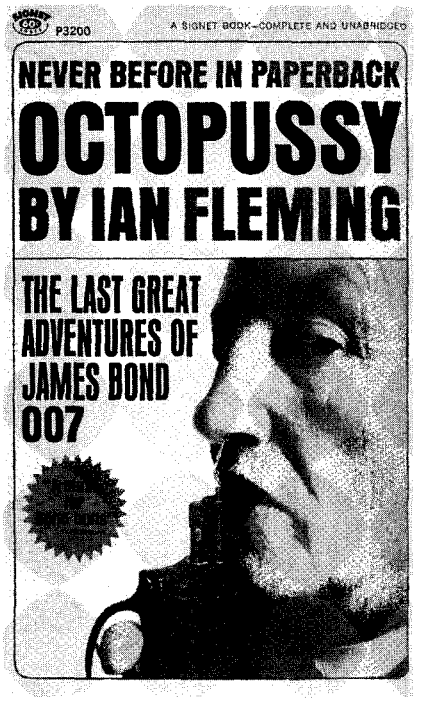
Bestsellers
Popular Fiction Since 1900
by Clive Bloom
Palgrave Macmillan, 292 pp., $60

Bloom, a British professor of English and American studies, concentrates on popular fiction—still one of the publishing industry's most profitable categories. The fictional bestseller is a rather hot critical topic of late: Michael Korda's *Making the List: A Cultural History of the American Bestseller* appeared last year, and this summer John Sutherland's *Reading the Decades* was published in Britain to accompany a BBC series of the same name. Bloom's book is an overview and the least engaging of these. It offers little analysis of individual authors. It's also slowed by academic prose: Pretentiously placed words and phrases—*raison d'être*, *vox populi*, *ab initio*—occasionally clog the way. Still, it's a good starting point for considering the presence and influence of fiction that, as Bloom puts it, "most becomes its period and which is most caught in its own age."

Of course, "bestseller" is hard to define. Publishers don't publicize precise sales figures. And though "bestseller lists" purport to rank the week's top sellers, the best-known lists focus almost exclusively on mainstream writers while drawing on sales reports from mostly urban locales. The hugely

Brian Murray teaches writing at Loyola College in Baltimore.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



influential *New York Times* bestseller list has long ignored both religious books and most genre fiction. And it relies on what one reporter recently described as "a statistically weighted formula that's as secret and closely guarded as the recipe for Coca-Cola."

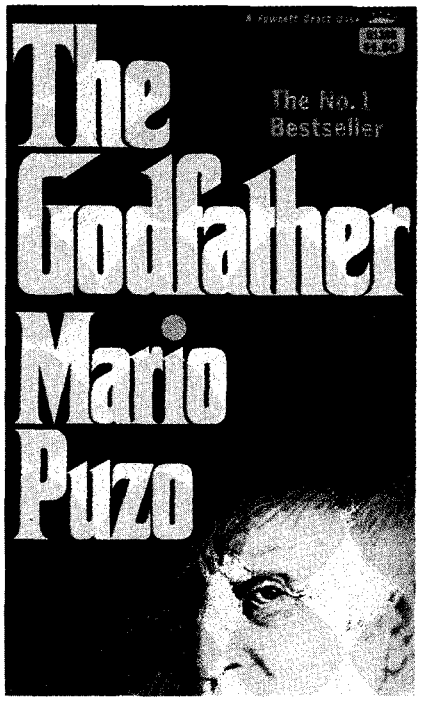
Bloom has considered publishers' records, library records, and booksellers' accounts as well as bestseller lists in his effort to measure Britain's most popular novel writers of their day (many of whom were Americans or enjoyed success, however ephemeral, in the United States). But his study doesn't include the likes of John Updike, A.S. Byatt, or Umberto Eco—"art novelists" who have long enjoyed strong international sales. He's interested in authors who have consistently appealed to mass market tastes. This means Jeffrey Archer, Michael Crichton, and Sidney Sheldon. It means such mystery writers as Dick Francis and Ruth Rendell, as well as Danielle Steel and Judith Krantz, specialists in the varied forms of "women's romance."

Surveys consistently show that women read far more fiction than men—a fact publishers grasped long ago. Bloom points to the career of Marie Corelli, who, like most best-selling authors of years past, is nearly forgotten today. The author of such books as *The Sorrows of Satan* (1896), Corelli found, near the turn of the twentieth century, a formula for the romance novel that remains, in essence, widely used today. Corelli's novels, "beloved of ordinary shop-girls," mixed "exoticism, eroticism, spiritualism, and anti-materialism." She also published non-fiction books establishing her authority "on healthy, spiritual well-being and moral uprightness"—as someone "whose views on life would be as important as her words on the printed page." With Corelli, writes Bloom, "the cult of the author had arrived."

It continued with Elinor Glyn, whose publishers also recognized that, at the end of a long day, most shopgirls don't want to curl up with Dostoyevsky. They want love, adventure, temptation: vivid dramatizations of their own adolescent daydreams. As the late publisher Alan Boon recognized, they want heroines whose lives and lovers are more glamorous than their own. Boon, who cofounded Mills and Boon, still Britain's leading producer of romance novels, put it this way: "Our heroes are always what we call Alpha men—strong, mentally and physically tough, intelligent, tall and dark. The Honest Joe type of man may make a good husband, but he's not exciting enough for our readers."

Glyn, who died in 1943, also wrote advice books; but she was more determinedly modern—and secular—than Corelli, whose late-Victorian sensibility still turned to religious and temperance themes. Glyn was packaged and promoted as a woman of the world, open-minded and self-assured. She called herself "a writer upon psychological subjects which interest the average citizen": the Dr. Phil of her day. Never sexually explicit, Glyn nonetheless made clear her belief that Victorian notions on the subject were badly worn. My own, battered copy of Glyn's *The Philosophy of Love* (1923), fished from the bargain bin in a second-hand bookstore, is hailed on its jacket as "The Most Daring Book Ever Written!"

After 1918, what Bloom calls "consolatory and spiritualist" books, big



sellers during the war years, continued to do well. But "daring" became a publishing byword during the 1920s, as reading became "a popular and regular form of mass leisure entertainment" and sales of books soared. New genres appeared, including the thriller, to exploit war-related subjects and themes. In England, William LeQueux, Edgar Wallace, and Herman McNeile ("Sapper") largely invented the thriller—with debts to Jules Verne and the early H.G. Wells. As thrillers still do today, these early examples featured good guys thwarting bad guys bent on evil conspiracy; they also concerned both the wonders and perils of modern technology. Le Queux's heroes in *The Terror of the Air* (1920) battle "a great pirate aeroplane" that "terrorized the world, destroying aircraft and shipping, bombing London, New York, and Paris, and spreading poison gas, disease germs and other horrors over its helpless victims."

Much popular fiction continues to depict the conflict of good and evil, as the enduring success of the detective novel suggests. Although Arthur Conan Doyle made Sherlock Holmes famous during the 1890s, the detective novel came of age during the 1920s, as the careers of Agatha Christie, Dorothy Sayers, and Nagio Marsh, among others, began to form.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

For many readers, these years between the First and Second World Wars remain the Golden Age of mystery writing, when the genre was fresh, and fictional detectives were individualistic, not interchangeable. Sayers's Lord Peter Whimsey wore spats; Christie's Poirot is described by another character in Christie's first novel, *The Mysterious Affair at Styles* (1920), as a man "whose neatness of attire was almost incredible. I believe a speck of dust would have caused him more pain than a bullet wound."

But the 1930s brought notable changes to British mystery fiction, as more violent crime novels, influenced by the American pulp magazines, began to appear. In his 1944 essay "Raffles and Miss Blandish," George Orwell identified James Hadley Chase's bestseller *No Orchids for Miss Blandish* (1939) as a particularly grim forerunner of things to come. Orwell compared Chase's book with E.W. Hornung's "Raffles" novels published in the early 1900s. Raffles is a crook, but he's also a gentleman. He avoids violence and confines himself to lifting jewels. Moreover, the Raffles novels, wrote Orwell, offer "very little sensationalism—very few corpses, hardly any blood, no sex crimes, no sadism, no perversions of any kind." And Raffles effectively pays for his crimes by dying in battle, for Britain, during the Boer War.

But *No Orchids for Miss Blandish* is replete with violence. Featuring—in addition to eight murders—a series of floggings and rapes, it takes for granted "the most complete corruption and self-seeking as the norm of human behavior." In the old-style crime story, Orwell observes, one left "dull reality" for "an imaginary world of action." But with Chase's books, one not only enters a realm of "cruelty and sexual perversion," but is invited to identify with the criminal's depraved view of the world.

As the paperback grew in popularity during the 1940s and 1950s, so did the market for sensational fiction. The American writer who sold more books than anyone during this period was Mickey Spillane, who like Chase mixed *noir* settings with prurient sex. Spillane's disposable novels were sold everywhere—stacked in racks with other cheap paperbacks in train stations, supermarkets, and drug stores. A 1951 edition of Spillane's *The Long Wait* calls him "the record-breaking mystery author whose books have sold over 28,000,000 copies to fans who like rugged sleuthing, screaming tension, and savage, hard-hitting action."

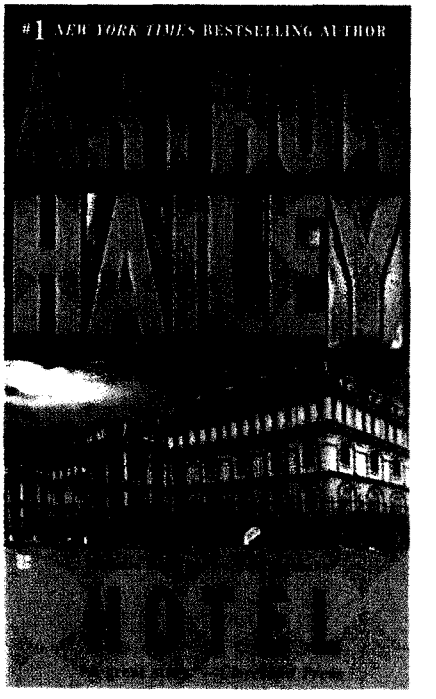
In his limited way, Spillane had a notable gift for slick, colloquial dialogue. His readers, one assumes, were overwhelmingly male, attracted to Spillane's hero—Mike Hammer—because he so bluntly embodied so many adolescent male fantasies of power, revenge, and seduction. For the Hammer-like hero of *The Long Wait*, an appealing dame waits behind nearly every door, "oozing out of a bikini suit like tooth paste out of a tube."

As Bloom notes, genres tend to endure, but heroes must change with the times. By the late 1960s, Spillane's over-the-top tough guys were passé, and they survive today mainly as figures of parody. A similar fate befell Ian Fleming's James Bond. The Bond movies continue to roll on, each more magnificently vapid than the last. But Fleming's novels—huge bestsellers in the early 1960s—are no longer widely promoted or read. Fleming is too Anglophilic and Bond too effete for contemporary tastes. His Bond is a gentleman-adventurer of the old school, a spy with a cultivated eye. In *Diamonds are Forever* we find him alluding to Pavlov, ordering fine French wine, and thinking about adding a piano version of "Avril au Portugal" to his record collection. In the movies, Bond is stripped of his aesthete's eccentricities, left with only a smoking jacket and a fondness for vodka martinis.

Of course sex still sells, a trend that grew as the 1960s progressed and the presence of various watchdog groups—including the League of Decency and, in Britain, the Catholic Association—waned. In 1960, a British court permitted Penguin to publish an "unexpurgated" edition of D.H. Lawrence's *Lady Chatterley's Lover*, prompting the revision or removal of obscenity laws in both Britain and the United States. (*Sexual intercourse began / In nineteen sixty-three* . . . , wrote Philip Larkin in one of the funnier moments in his poetry, *Between the end of the Chatterley ban / And the Beatles' first LP*.)

As a result, by the late 1960s—and throughout the 1970s—a growing number of bestsellers included scenes and themes that would have been prosecutable only a decade before. Philip Roth's *Portnoy's Complaint* and Erica Jong's *Fear of Flying* were in the first wave of these, long topping the sales lists in both Britain and the United States. Although Roth's book was part of the era's pervasive critique of middle-class values, it was also comic, and as shockingly rude as a Lenny Bruce routine. But *Fear of Flying* was, in its way, deeply *earnest*, the first of many often unintentionally comic novels to equate sexual liberation with social rebellion and—as Jong herself put it—personal "authenticity."

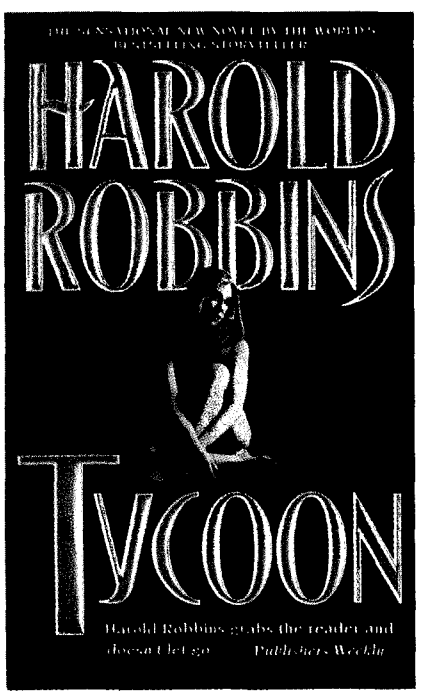
By the early 1970s, the paperback, now fully respectable, came to dominate the book market. In 1975 Peter Benchley's *Jaws* sold ten million copies in paper, while its hardcover



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

edition sold a mere fraction of that. Meanwhile publishers, like movie makers, turned to more wide-ranging promotional methods for their products, which meant that—even before they became movies—novels like *The Godfather* and *The Exorcist* reached unprecedented numbers of book buyers made curious by the pervasive promotional buzz. By the early 1980s publishers also sought to establish their most popular and prolific authors—including Sidney Sheldon, Robert Ludlum, and Stephen King—as brand names, the producers of products that were, in their way, as consistent and reliable as Betty Crocker's or Uncle Ben's.

And during the 1980s, newspapers and magazines began filling more pages with features and soft news, which meant more coverage for authors and their books. As John Sutherland noted in his own *Bestsellers*, a 1980 study, *Jaws* earned "America's highest popular acknowledgement—front-cover commemoration on the *Time*-style magazines. For one week (and this during the Vietnam War's critical aftermath), a film centered on Bruce, the plastic shark, was certified as the single most important news story in the world."

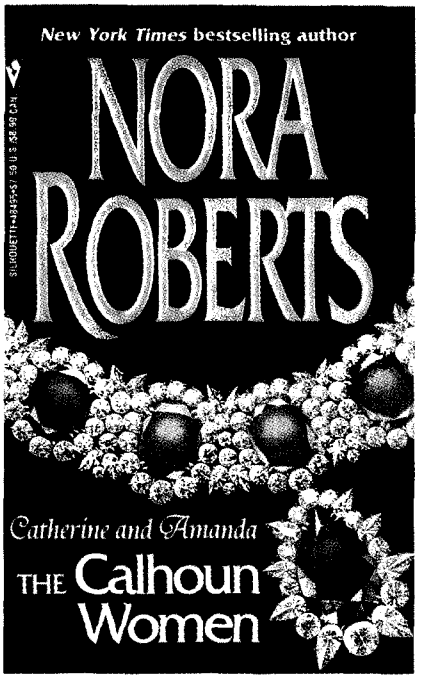


Sutherland noticed other publishing trends that persist today, including the rise of such global disaster novels as *A Fire in the Sky*, *Deluge*, and *Ice Quake*—forerunners of a continuing series of apocalyptic titles, including the recent "novel of medical suspense," *Final Epidemic*, in which the earth is threatened by a viral plague. Other popular titles of the era found catastrophe stemming from human pride and greed, playing to fears and anxieties spawned during a time of information overload and rapid technological change. Back in 1968, Arthur Hailey's *Airport* had reminded readers of the lurking dangers of commercial flight. Robin Cook's 1978 potboiler, *Coma*—now back in print in a "25th anniversary edition"—darkly suggested that, beneath its high-tech façade, the modern hospital was a murky zone of bungling and terror.

But such popular fiction brought other things than fright. Hailey's *Airport*, *Wheels*, and *The Moneychangers* promised not only insight into the way big industries really work, but a privileged, tabloid-like look into the private troubles of the powerful individuals who, Hailey implied, really run the world. Even *The Nanny Diaries*, a current bestseller, is blurbed as offering "an incredibly voyeuristic thrill" that comes with a glimpse "behind the thick stone walls of those Park Avenue apartment buildings and into the excessively rich families who live in them."

Bloom observes that "the most popular genres at the end of the twentieth century were virtually the same as at the beginning—an overwhelming percentage of fiction concentrated either on crime detection and mystery or on women's romance." Think only of Nora Roberts, herself a one-woman book industry with over one hundred novels in print, many of them bestsellers. Roberts's books now define the romance genre, while polishing up every stock plot and clichéd character ever to appear in popular fiction.

One of her latest, *The Villa*, is set in the Napa Valley and features several generations of a wine-making family. Its heroine recovers from her broken



marriage to a cad when she meets a rich, handsome, even-tempered Alpha man who never forgets to bring flowers.

All's well in this world; the syrup, like the wine, just flows. Meanwhile new genres and subgenres continue to appear. Bloom himself notes that the division between books for children and adults has notably narrowed—witness the popularity of works by Philip Pullman and J.K. Rowling. Such works succeed, of course, because—as Bloom puts it—"young people and adults now share a simultaneously experienced popular culture" that, in a host of ways, fosters both precociousness and nostalgia.

One could also note the rise, in the 1990s, of certain "niche genres" aimed mainly at readers in their twenties and thirties. Bloom doesn't use the term "Chick Lit"—now widely employed in the book trade—but he does mention the "neurotic modern career woman" novel perhaps best exemplified by Helen Fielding's *Bridget Jones' Diary*. In some ways, these books burlesque the romance genre by sticking their heroines with bad jobs and comically flawed men. And then there is "Bloke Lit," as it's called in Britain: novels such as Nick Hornby's *Fever Pitch* and *High Fidelity* that tend to deal with unmoored single men looking for love and solidarity in an

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

age of moral confusion and uncertain gender roles.

Studies show that reading habits have changed over the years as books continue to compete with video rentals and the Internet as well as television. Last year, a survey commissioned by one of Britain's better-known literary awards—the Orange Prize for fiction—found that, on average, adults spend only six hours a week reading but twenty-four and a half hours watching television. Fiction gets just eleven minutes a day. And yet, the fact that so many people continue to buy books at all suggests that reading provides a particular kind of pleasure that no other medium can provide. Reading is solitary, meditative, and—when undertaken at bedtime—can induce sleep. Not surprisingly, the same survey found that most people read in bed.

If the survey had asked the question, it would have also certainly found that most Brits, like most Americans, turn to the more mindless forms of popular fiction for the same reason they watch television—to escape dull, trying reality. In romance novels, women vacation in the tropics where they find sensitive, attentive lovers awaiting them beneath the palms; in thrillers and adventure novels, otherwise average men rise to vanquish enemies, save the world, and earn the regard of beautiful women along the way.

Very popular fiction succeeds, in other words, for the same reason that Danielle Steel is not Anton Chekhov. It provides neither surprises nor tragedies; it avoids baffling complexities of human character and never dwells on the small griefs and lingering regrets that adults living in the real world must inevitably face. A headline in this summer's *Buffalo News*, heralding the latest crop of would-be bestsellers, probably said it best: "Summer Solace: It's Time to Find Comfort Between the Covers of a Book." ♦

A Cabinet at War

How Roosevelt managed World War II.

BY ALVIN S. FELZENBERG

The Conquerors
Roosevelt, Truman and the Destruction of Hitler's Germany, 1941-1945
by Michael Beschloss
Simon & Schuster, 377 pp., $26.95

A recent *Washington Post* headline for an excerpt from Bob Woodward's *Bush at War* read, "A Struggle for the President's Heart and Mind." Had such a headline run sixty years ago, the president would have been Franklin Delano Roosevelt, and the advisers struggling for his heart and mind would have been Treasury Secretary Henry Morgenthau Jr., War Secretary Henry L. Stimson, and Stimson's assistant John McCloy. Making more than cameo appearances in such a story would have been Secretary of State Cordell Hull, Winston Churchill, Joseph Stalin, General Dwight D. Eisenhower, and, oh yes, Harry Truman, the man both history and Roosevelt selected to complete Roosevelt's work.

Such is the theme of Michael Beschloss's new book, *The Conquerors*. It could not have appeared at a better time. Tugs of war to influence a president are as old as the presidency itself. An underlying lesson in Beschloss's well-written narrative is that presidents can find kernels of wisdom in advice they reject as well as in what they follow. It takes a president of extraordinary vision and sense of purpose to know that. Franklin Roosevelt was certainly that kind of president—most of the time.

Among the questions Roosevelt had to face, once the United States was at war with Germany, were what terms of peace to seek and what kind of postwar Germany the Allies would bring into being. Roosevelt acted decisively and firmly in resolving the first. Overriding the objections of some of his military advisers—as well as Churchill—Roosevelt decreed that the Allies would pursue a policy of unconditional surrender.

That increased casualties and stiffened German resolve to fight on, but Roosevelt had his reasons for insisting on these terms. As Woodrow Wilson's assistant secretary of the Navy, Roosevelt was privy to Allied war plans during the First World War and had been an eyewitness to the Paris Peace Conference of 1919. With Hitler's rise to power, Roosevelt came to believe the Allies had made a mistake in ending that earlier conflict with an armistice. Along with General John Pershing and others, he concluded that because foreign troops had never occupied Germany, its people never learned they had been defeated. Nor had they had to endure the carnage that Belgium and France had witnessed. These deficiencies, he felt, made it easier for Nazi-instigated lies such as the "stabbed in the back" theory to gain popular currency. Roosevelt resolved that, this time, things would be different. The German people would know who had started, waged, and lost the war.

Roosevelt was less certain about the kind of Germany the West should create once the war was won. Claiming special expertise on the subject because he had spent many summers on the Continent as a child and had a rudimentary knowledge of the German language, Roosevelt did conclude that the country must shed its "Prussian militarism." He attributed Germany's aggressive stance toward its neighbors

Alvin S. Felzenberg writes and lectures about the American presidency. He is editor of Keys to a Successful Presidency.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and its instigation of two world wars to this trait. He felt the best way to eradicate it was to return to the twenty fiefdoms, free cities, and provinces that had coexisted until Bismarck forged them into a nation in the 1870s.

Roosevelt, however, remained open to differing points of view as events changed. Sharing his initial views, but for different reasons, was Secretary of the Treasury Morgenthau. A highly assimilated Jew (the second person of his religion ever appointed to a cabinet position—the first, Oscar Straus, was Teddy Roosevelt's commerce secretary), Morgenthau became increasingly troubled by what he had learned about the systematic destruction of Jews and other "undesirables" in the death camps. He believed the only way to ensure that Germany would never be able to start another war was to transform it into an agrarian nation. He vigorously pressed for the destruction of its industrial base in the Ruhr valley.

Arguing against the "Morgenthau plan" were Stimson, McCloy, and their allies, who favored the full integration of Germany into Europe. They saw a strong democratic Germany as a necessary bulwark against what was already an expansionist Soviet Union. Although it is this group of "realists" that eventually prevailed, Morgenthau, the persistent "idealist," also achieved some painful, but not insignificant, victories. In *The Conquerors* Beschloss breaks new ground with his treatment of this much maligned and usually underestimated Treasury secretary.

Simon & Schuster

State, Treasury, and War in 1944: Cordell Hull, Henry Morgenthau, and Henry Stimson.

Though he was wrong about postwar policy towards Germany, Morgenthau was right in pushing the administration to do more about the plight of Jews in Europe. At his insistence, Roosevelt overruled the State Department and allowed a small number of Jewish refugees into the country. Because of Morgenthau's relentless prodding, Roosevelt eventually established a War Refugee Board charged with the task of rescuing Jews as Allied forces advanced against the Nazis. (Under its auspices, Swedish banker Raoul Wallenberg was sent to Hungary, where he saved thousands of lives.) Morgenthau worried that Roosevelt—his Hyde Park neighbor—would look upon his entreaties as "special pleading," but he nonetheless pressed on. The same conscience that drove him led him to conduct an investigation after the war as to whether his deputy, Harry Dexter White, had manipulated him into pushing policies that might favor the Soviet Union. (White was later identified as a Soviet agent. Stalin certainly had much to gain by a weaker Germany.)

Of all the battles Morgenthau lost, the most controversial remains the American decision not to bomb the death camps or the railroads leading to them. Prior historians have placed the blame on Morgenthau's nemesis, McCloy. But Beschloss suggests that though the voice was McCloy's, the decision was Roosevelt's. Though the British were both able and willing to take this step, they deferred to their senior partner. Roosevelt and McCloy saw it as a distraction from the main objective of winning the war. Beschloss argues that their failure to act deprived the Allies of the opportunity to "deliver a moral statement . . . that the Americans and the British understood the historical gravity of the Holocaust." In ruling out this option, Roosevelt let pass an opportunity to redefine the objectives of the most devastating war in history. Just as Lincoln transformed the Civil War from a "struggle to save the Union" into a crusade to abolish slavery, Roosevelt had it within his grasp to record the United States as firmly and irrevocably against genocide. Had he done that, Roosevelt might have bequeathed a less murky legacy to his successors.

Morgenthau lost the struggle for the president's heart and mind. But the argument he started goes on. Right though he was about postwar German policy and much else, Harry Truman was dead wrong about Morgenthau. He told cronies that Roosevelt's treasury secretary was a nut and a blockhead "who did not know sh—t from apple butter." Actually, the man Roosevelt delighted in calling "Henry the Morgue" knew a hell of a lot. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

All pictures: Joan Marcus.

Broadway Ballet

In Movin' Out, *Twyla Tharp creates a dance to the music of time.* BY JUDITH GELERNTER

Would you consider taking two hours to see a Broadway show filled with music by an aging pop star? Some of those who grew up with Billy Joel's songs, featured in this season's hit *Movin' Out* at the Richard Rodgers Theatre, disdain the show, thinking it little more than MTV outfitted for Broadway. Others, who have greater fondness for Joel, would gladly go to hear his music performed, even if not by Joel himself.

Others focus not on Billy Joel, but on the Broadway tradition, and some reviewers have criticized *Movin' Out* on account of its plot. In response, the playbill expanded the plot description from a cramped two inches on the cast-and-credits page to a prominent full-page feature.

The secret is that *Movin' Out* is not a "show" at all. It is a full-length ballet performed in choreographer Twyla Tharp's unique idiom, mixing modern dance, classical ballet, jazz, and street dance. Publicity represents it as a new musical because ballet doesn't draw the crowds that Billy Joel's fame does. But once the curtain rises, the musicians' platform ascends—and the stage is reserved for dancers.

Why shouldn't modern dance, an art form born on American soil a century ago, be able to draw crowds without relying on pop stars? Billy Joel-centered publicity for *Movin' Out* concedes to popular biases against ballet—and these biases stem in part from the attitude of dance-makers themselves. Many choreographers are satisfied if they express themselves, caring little whether the audience understands their work. Tharp, on the contrary, writes in her autobiography *Push Comes to Shove* that she aims always to hold the audience's interest. She does not dismiss reviews but responds to them. After *Movin' Out* opened in Chicago, she used the reviews to help edit and erase ambiguities before opening in New York. Her reward is enormous success.

"What I wanted to do was tell a story that would require being told in movement. In other words, violence and sex—this is where I can trump language," she commented in an interview with *Newsday*. The effect is so powerful that the audience is transported by turns to a battlefront, a midnight bar, a high school reunion. The battlefront scene is realized by troops holding invisible guns, exploding shells simulated by light flashes, and combat fury from the musicians. Throughout the ballet, the mix of everyday gesture and dance movement, and the contrasts of sleaze and sublime, convey the true-to-life.

The action is based on real people and world events. Joel's "Scenes from an Italian Restaurant" features two of his friends, Brenda and Eddie, from his high school days in the 1970s, which the ballet transposes to the 1960s. In the first act, at a Long Island high school, Brenda and Eddie split up. Brenda's sensuality toward her new choice, Tony, stands in contrast to the sweetness of Judy, who is engaged to James. The boys join the war effort, and James is killed in combat. War destroys the perfect couple of Judy and James, shatters Eddie's sanity, and rents Brenda and Tony's loyalty. The second act concerns the spiraling of emotions: estrangement after war, anger, bereavement, reconciliation, inspiration, friendship. Eventually Brenda and Tony reconcile, and Eddie learns to control his inner turmoil in a sort of psychological journey that validates the red, white, and blue American-road-sign look of the *Movin' Out* logo.

Performed by artists of national stature, the effect is powerful. Standing ovations demonstrate that audiences do not need persuading to enjoy *Movin' Out*. But its depth has not been sufficiently appreciated. Ballet does not require a profound plot (witness the enchanted swans and nutcracker toy). In fact, it doesn't really require any plot (think of George Balanchine's *Jewels*). All it requires is a theme with a beginning, middle, and end. The *Movin' Out* narrative forms a natural line leading to a conclusion where Brenda and Tony reaffirm their love and Eddie regains the equilibrium he lost in wartime. More than the music, it is the lyrics that help structure this ballet.

Judith Gelernter has contributed to the International Dictionary of Modern Dance, Dance Research Journal, Ballet Review, *and* A Core Collection in Dance.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Billy Joel and Twyla Tharp

In addition to her standard spins and slides, Tharp creates original steps as easily as a poet might coin words. Each scene may feature one or two of the main characters, quite often with ensemble dancers enhancing visual interest. This is satisfying because it allows viewers to shift their gaze to the ensemble for a moment without losing the sense of a prolonged duet central to the narrative.

The dancers in *Movin' Out* are professionally trained in ballet, the most rigorous of dance styles, and several have careers with Twyla Tharp Dance. There are two casts, to save the dancers from exhaustion. Both in technique and in emotion, the Elizabeth Parkinson-Keith Roberts duo for Brenda and Tony is the stronger. A memorable performance is given by Ashley Tuttle as Judy in the scene danced to Joel's song "The Stranger," in which three men who lurk in the shadows lift and toss her about. The light plasticity of Tuttle as the strangers toss her is singular and striking.

After examining Tharp's mature works, you will not be misled by the enthusiastic but aimless prancing of modern avant-garde dance. You will not be over-awed by a masterful but ultimately meaningless routine, or by a dance-maker whose overall aim is for his dancers to look pretty. Aesthetics is significant, but it should not stand without some backbone of logic.

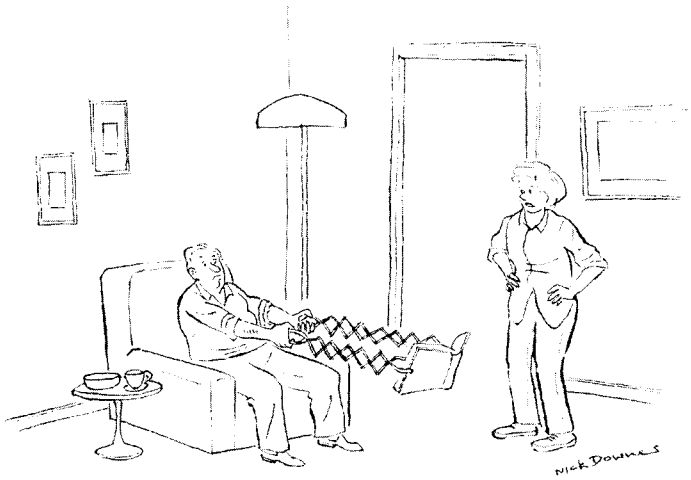
Why do so many ballets fall short of profundity? Depth comes from the choreographer's process and philosophy as well as innate talent, and the typical choreographic process inhibits visual unity. Most dance-makers create dances by improvising to music and then paring down this raw material to make a ballet. The final product is a rehearsed improvisation with beginning and ending added as afterthought. If the ballet seems to meander in the middle, it is because it was not created to lead to an end. Instead of visual unity, the ballet may be organized according to the structure of the music in a way that may be incomprehensible to the audience. This does not bother most dance-makers because they practice their art from inward-inspired forces, by themselves, for themselves. They consider themselves dancers on par with the company, apart from the audience.

Tharp, by contrast, finds that she can better judge her works when she sits in the audience. The effect is that the work is more understandable. Raw material for a Tharp ballet might be inspired by a photograph or object, by a feeling required by the narrative, by the music's mood or by other people's choreography, for example Michael Jackson's moonwalk by William Marrié as Eddie. (Marrié was recently killed in a motorcycle accident and will be missed.) Although Tharp might spend hundreds of hours improvising raw material for a ballet, she insists that her works have visual unity: a beginning, middle, and end. The result of the choreographic process is that Tharp's ballets may not lean on any particular score. She proves this point in an introductory passage to the televised version of *In The Upper Room* in which she dances the same several-minute sequence to two tunes with entirely different moods.

She is described as a crossover artist for her use of steps from many genres, and she enjoys a palette of steps wider than that used by any of her peers. *Movin' Out* is done in toe shoes and sneakers, on the floor in break-dance acrobatics and in the air with lifts exuberant, lascivious, graceful, whatever is appropriate. All styles coexist naturally within her idiom. Tharp's philosophy and dance-making method allow her to adopt different styles, work independently of music, edit her creations, see her works as one in the audience might see them, and . . . in her quest for classicism, create a narrative tied to human experience in a way which is also universal. Whether in film or theater, on the concert stage or now on Broadway, her greatest ballets will endure.

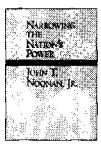
Twyla Tharp has remarked that many of her ballets were made to solve a particular problem. What she has learned over the course of making more than a hundred dances brings mastery to the art. That is why, in the year 2000, the Dance Heritage Coalition and the Library of Congress elected to honor not any particular one of her works, but rather to honor the choreographer herself among the First 100 of America's Irreplaceable Dance Treasures. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



"When are you going to admit you need reading glasses?"

Books in Brief



***Narrowing the Nation's Power: The Supreme Court Sides with the States* by John T. Noonan Jr. (University of California Press, 208 pp., $24.95).** A slim majority of the Supreme Court has over the past decade expanded states' immunities against federal authority. These decisions are the target of John T. Noonan—who calls the Court's doctrines "overextended, unjustified by history, and unworkable." They are "unjust," invite comparison with *Dred Scott*, and threaten to "return the country to a pre-Civil War understanding."

Noonan's chief merit is to notice that the Rehnquist Court's "federalism" has assumed a disconcerting air of judicial imperialism and neo-confederalism. In the form of a dialogue, Noonan characterizes sovereign immunity as not only extra-constitutional but also self-contradictory. It works only because exceptions to the principle prevent the absurd result of placing state conduct entirely beyond the reach of federal law.

Noonan's arguments and denunciations have been rehearsed in a torrent of law-review articles—and by the liberal justices' dissents in the leading cases. The liberal advocacy mob and its patrons in the Senate have mobilized the same charges against supposedly "activist" judicial nominees. A respected, Reagan-appointed appellate judge with an ability to translate legal doctrine into English, Noonan could have sparked a broad public debate and, perhaps, induced the justices to rethink. He writes explicitly for these purposes—and fails.

Noonan draws the important and underappreciated distinction between states' rights and a constitutional federalism, suggesting that he defends federalism. But then he goes on to write, "There's nothing to support the view that [state] immunity was part of the constitutional design or inherent in its plan." *Nothing*? Noonan himself is forced to concede that Hamilton, Madison, and Marshall—the leading nationalists of the Founding era—recognized some realm of state immunity. Federalism cannot function without it. The Fourteenth Amendment authorizes Congress to *enforce* rights; it provides no authority to create new rights. But Judge Noonan opposes state immunities only incidentally—because he opposes any limit to congressional authority. He is no federalist; he is an adherent of the dogmatic nationalism that Robert F. Nagel, in his splendid *The Implosion of American Federalism*, has identified as the source of the hysterical opposition to the Rehnquist Court's federalism decisions.

The Court's extra-constitutional states' rights decisions remain troublesome, insofar as fidelity to the constitutional text is a vital means of constraining willful judges. The root of that problem, though, is not states' rights ideology but a judicial failure to identify and protect the areas that Congress "has clearly no right to meddle with." The Court has not narrowed "the nation's" powers. At most, it has narrowed congressional powers. The true federalism problem is that the Court has not done nearly enough of that.

—Michael Greve

***Gender and Rhetoric in Plato's Political Thought* by Michael Kochin (Cambridge University Press, 288 pp., $40).** That a literary study of Plato's *Republic* and *Laws* could teach us about the perennially vexed relation between the sexes may seem unlikely, yet Michael Kochin manages it in his timely examination of two timeless works.

Kochin falls prey to neither dismissing the Plato of the *Laws* as a sexist nor celebrating the Plato of the *Republic* as a proto-feminist. Both these views are confident in their assumption that we today know what justice requires when gender and politics meet. Kochin instead views the relation between the dialogues as a rhetorical problem—caused by the fact that "Men and women have distinctive occurrent aspirations and desires, even though the natural standard for human excellence is the same for both sexes."

Particularly noteworthy is the manner in which Kochin powerfully raises the question of the relation between justice and happiness: His book compels one to wonder whether the just triumph of woman's equality has come at the expense of the happiness of both men and women.

—Steve Lenzner

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Trent Lott announces his support for affirmative action programs.
—News item

Parody

Copyright 2002 Associated Press
Associated Press Online

December 27, 2002 Friday

SECTION: WASHINGTON DATELINE

LENGTH: 350 words

HEADLINE: Senator Forms Third Party; Promises Full Agenda

BYLINE: RON FOURNIER; AP Correspondent

DATELINE: WASHINGTON

BODY:
Mississippi senator Mohammed ibn al Africa-Mombassa, formerly known as Trent Lott, left the Republican party today, following his recent decision to step down as majority leader. Sen. Africa-Mombassa announced that he is forming a third party with Al Sharpton, dedicated to making Ebonics the official language of the United States.

Sen. Africa-Mombassa denied that this move was a cynical attempt to compensate for recent scandals, though he did say that he would continue with his world apology tour, with future concert dates in New York, Paris, Durban and Lagos.

Wearing baggy pants, an "OJ was Framed" T-shirt, and the hair relaxer that has recently become his trademark, Sen. Africa-Mombassa and his posse approached the Senate floor around 11 a.m.

"Yo dog, I'd like permission to revise and extend my remarks," Sen. Africa-Mombassa told the chair.

"Permission granted," Senator Olympia Snowe, who was presiding, replied, "though following yesterday's scene, the chair does feel compelled to remind the senator that my name is 'Snowe,' not 'Ho.'"

"I am so sorry if my hip-hop performance yesterday caused anybody to take offense," Senator Africa-Mombassa responded. "Once I get rhymin' I just don't know what's going to come out.

"Still, if my comments caused pain to you or to women in general, I would be happy to go on the Oxygen network for a full hour, or Lifetime or even *The View*. I'd just like the world to know that those remarks were an error of the head, not of the heart. Not even the whole head. Just sort of the front part. In fact, just that part of the head over the right eyebrow, up around the crown.

"So what I'm really saying is that if we'd elected Lenora Fulani president in the first place we wouldn't have had all these troubles all these years."

Sen. Africa-Mombassa then announced his personal agenda for the year 2003. The Ebonics legislation is expected to take up much of the winter. Senate debate over slavery reparations should then stretch on to early spring, to be followed by the senator's bill to make Tupac Shakur's birth-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The 2002 Elections: Much Sound, Little Fury

David Brady is a senior fellow and an associate director at the Hoover Institution.

Morris Fiorina is a senior fellow at the Hoover Institution.

"Now we can look forward to more obscene tax cuts for the rich, wholesale rape of the environment, huge deficits, obstruction of any investigation into corruption and a packed judiciary." Letter to the *San Francisco Chronicle,* November 7, 2002.

According to much postelection commentary a shift of two Senate seats has delivered full control of national policy to the Republicans. Soon oil companies will drill in the Arctic National Wildlife Refuge and conservative judges will assume seats on various federal courts, among other Democratic nightmares.

In fact, as any freshman who did not sleep through American Government 101 should know, nothing of the sort is likely to occur. Certainly, there will be some movement. The Homeland Security Bill, for example, has already become law, Democrats having realized that seeming to place the interests of public sector unions over national security was not a winning electoral strategy. In budgetary matters, the Republicans will do better on the margins and a compromise version of prescription drug coverage will pass.

But Republicans with loftier ambitions are likely to be disappointed, for **the switch in control does not greatly increase the likelihood that major Republican legislation will pass the Senate**. The implication of the filibuster is that on most matters (the budget is the exception that seems to have misled so many) sixty Senators must be willing to take up legislation or nominations. Nothing that forty-one or more Democrats strongly oppose will pass. The switch in control has not magically produced sixty votes for a Republican version of a prescription drug bill or a producer-friendly energy policy. Two months ago Tom Daschle could not pass anything that forty-one Republicans were willing to filibuster, and two months from now the same will be true for Trent Lott and forty-one recalcitrant Democrats.

In sum, for those who like policy gridlock, little has changed. **What the switch in control will change is the "show time" aspects of the Senate process.** We will see more of Trent Lott and less of Tom Daschle on TV. There will be more publicity for bills favored by the Republicans, different hearings with different witnesses, and more votes intended to embarrass Democrats. That's the way the game is played.

There is, however, a danger as well as a benefit to the Republicans in their new status as the party in control of the national government. With control comes responsibility for national policies and national conditions. One reason that congressional Democrats fared so badly in the 1994 elections was that Democrats controlled everything and thus took full blame. After Newt Gingrich and Bob Dole assumed leadership of their respective chambers, however, President Clinton was able to shift blame to the Republicans and "triangulate" to reelection, an option now unavailable to President Bush. Republicans now bear full responsibility for the state of the nation during the coming two years, but they have less power than most people realize.

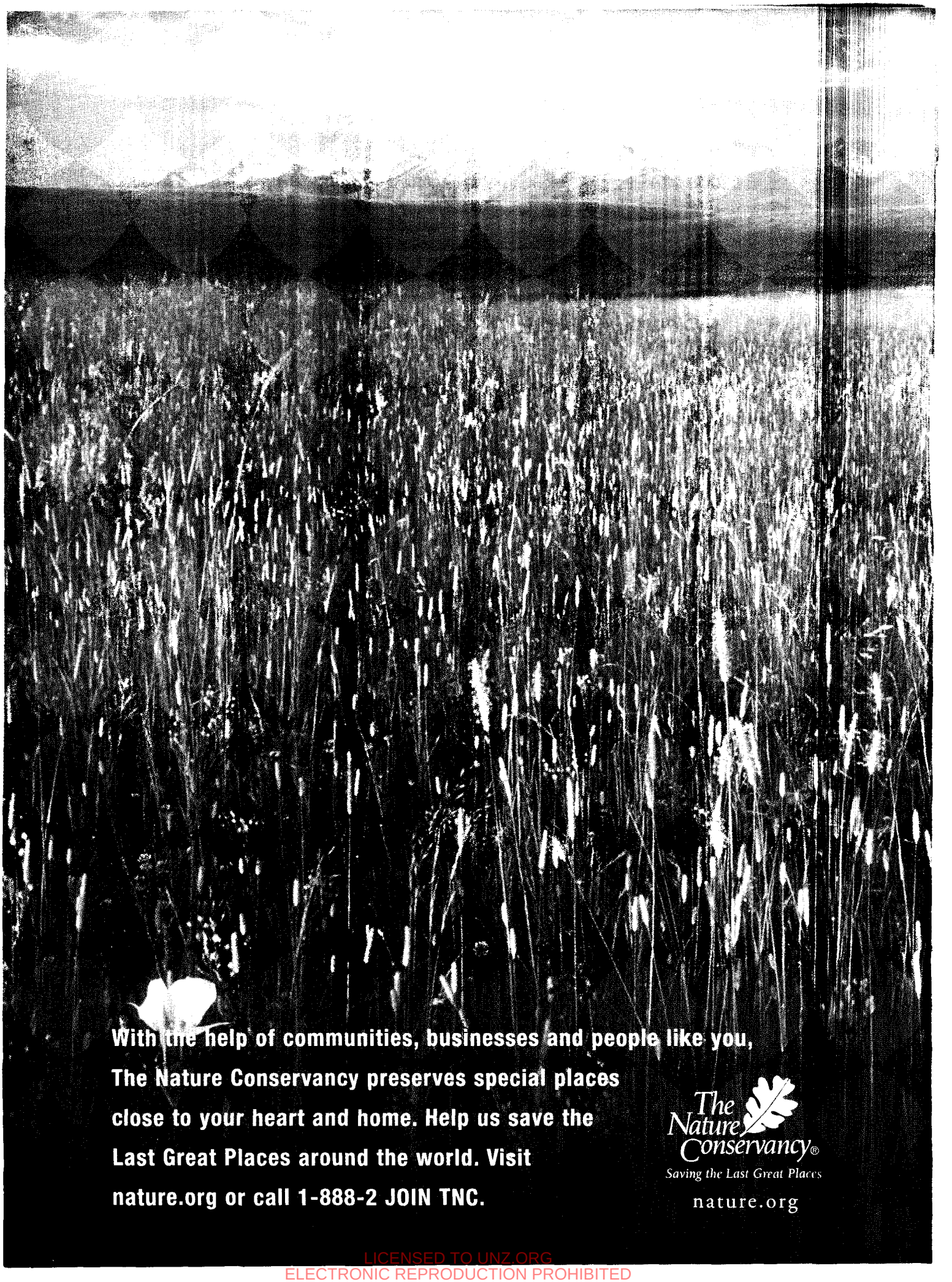
— David Brady and Morris Fiorina

Paid for by the Hoover Institution, Stanford University.

Interested in more commentary on public policy?

Visit us on-line at **www.hoover.org** *or contact us to receive a complimentary copy of the 200-page, award-winning* **Hoover Digest.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED